

By Mr. SELBY: Petition of Retail Merchants' Association of Jacksonville, Ill., in support of Senate bill 2987 and House bill 9352, for the protection of the public against impure food—to the Committee on Agriculture.

By Mr. SHAFROTH: Resolution of the State board of horticulture of the State of Colorado, against the destruction of useful birds—to the Committee on Agriculture.

Also, petition of W. W. Hocking and other citizens of Boulder, Colo., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Colorado State Grange, Patrons of Husbandry, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. SHATTUC: Petition of Sign Writers' Union No. 224, Cincinnati, Ohio, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of Beckmark & Norlin and 37 other merchants of Axtell, Nebr., and Charles Perry & Co. and 33 other merchants of Harvard, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 11218, granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

Also, petition of Post No. 155, of Kenesaw, Nebr., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY C. SMITH: Petition of Woodbury Post, No. 45, Grand Army of the Republic, Department of Michigan, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. SNOOK: Petition of L. S. Holmes Post, No. 87, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, papers to accompany House bill 4217, for the removal of the charge of desertion from the military record of David F. Fortney—to the Committee on Military Affairs.

By Mr. SOUTHARD: Resolution of oil and gas-well workers, of Hammansburg and North Baltimore, Ohio, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Cigar Makers' Union No. 48; Locomotive Firemen's Union No. 2; Photo Engravers' Union No. 15; Coopers' Union No. 6, Iron Molders' Union No. 172, and Laundry Workers' Union No. 1, all of Toledo, Ohio, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Union No. 612, of Waterbury, Conn., Amalgamated Society of Engineers, favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPIGHT: Papers to accompany House bill 11643, for the relief of the heirs of Mrs. Susan L. Bailey—to the Committee on War Claims.

By Mr. STEELE: Resolution of Iron Molders' Union No. 357, of Montpelier, Ind., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Glass Bottle Blowers' Association No. 61, of Gas City, Ind., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Union of Epping, North Charlestown, North Weare, Plymouth, Meredith, Wolfboro, Center Sandwich, Wilton, and Peterboro, N. H., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolution of Manchester, N. H., Board of Trade, favoring the appointment of a commission to study and report upon the industrial conditions of China and the establishment of a permanent exposition of American products at Shanghai, China—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of International Brotherhood of Electrical Workers No. 3, urging the defeat of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution of Brewery Workers' Union No. 135, Worcester, Mass., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Carpenters and Joiners' Union No. 877, of Pennsylvania, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. VREELAND: Petition of citizens of Jamestown, N. Y., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of Hardwood Finishers' Union No. 94, of Jamestown, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Hardwood Finishers' Union No. 94, for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, resolution of Post No. 502, of Angelica, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. WADSWORTH: Resolutions of Coopers' Union No. 48, Niagara Falls, N. Y.; Iron Molders' Union No. 238, Lockport, N. Y., and George Pierce Post, No. 448, of Castile, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Coopers' Union No. 48, of Niagara Falls, N. Y., and Carpenters' Union No. 289, of Lockport, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Lock City Central Labor Union, Industrial Fiber Workers' Union of Lockport, N. Y., and Coopers' Union No. 48, of Niagara Falls, N. Y., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WANGER: Petition of Dr. Louis Jean, M. Lussan, and other citizens of Ardmore, Pa., for the creation of game preserves in Alaska—to the Committee on the Public Lands.

Also, resolutions of George Post Post, No. 79, of Conshohocken, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Petition of W. A. Dudley and other citizens of Armada, Mich., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON: Petition of G. K. Warren Post, No. 286, Grand Army of the Republic, of Brooklyn, N. Y., in regard to employees in navy-yards—to the Committee on Naval Affairs.

By Mr. WOODS: Petition of the Chamber of Commerce of San Francisco, Cal., urging the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WRIGHT: Resolution of Mallory Post, No. 285, Grand Army of the Republic, of Sayre, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. ZENOR: Petition of William Johnson Post, No. 430, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Coopers' International Union, of Jeffersonville, Ind., for the enforcement of the postal laws relating to second-class mail matter, and that no repeal or modification of such laws be made—to the Committee on the Post-Office and Post-Roads.

## SENATE.

FRIDAY, February 21, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. HENRY N. COUDEN, D. D., Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

### CATALOGUE OF ZONE OF STARS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of appropriation for the preparation of the Astronomische Gesellschaft Catalogue of the Zone of Stars observed at the Naval Observatory principally in 1894 and 1895, \$4,000; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 2802) granting a pension to Martha R. Osbourn.

## PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington (for Mr. KITTREDGE) presented a memorial of the Retail Merchants' Association, of Sioux Falls, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented the petition of John P. Goshen, of Bald Knob, Ark., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. TELLER. I present a concurrent resolution of the legislature of Colorado, favoring the establishment of a department of mines. I ask that it be printed in the RECORD, and referred to the Committee on Mines and Mining.

There being no objection, the concurrent resolution was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 7.  
[By Mr. Montgomery, of Teller.]

Whereas the session of the Trans-Mississippi Commercial Congress held in Cripple Creek, Colo., in 1901, unanimously adopted a resolution declaring in favor of a governmental department of mines, with a secretary in charge thereof, who shall be a member of the Cabinet; and

Whereas each of the Senators and Representatives in Congress from the State of Colorado are in favor of such department; and

Whereas bills have been introduced in Congress for the purpose of creating such department; and

Whereas the State of Colorado has as much, if not greater, interest in the promotion of the mining industry than any other State: Therefore,

Resolved, That this house (the senate concurring therein) commend the action of our Senators and Representatives in supporting such measure, and respectfully urge them to use all honorable means to procure the enactment of a law providing for such department, and elevating the great mineral industry from the subordinate place in which it has so long been kept to the commanding position to which it is entitled.

Resolved, That an authenticated copy of these resolutions, when passed, be forwarded by the governor of the State to each of our Senators and Representatives.

B. F. MONTGOMERY,  
*Speaker of the House.*  
DAVID C. COATES,  
*President of the Senate.*

Approved this 14th day of February, A. D. 1902, at 9.45 o'clock a. m.

JAMES B. OSMAN,  
*Governor of the State.*  
W. H. KELLEY,  
*Secretary of the Senate.*  
WILLIAM J. HAMILTON,  
*Clerk of the House.*

Mr. TELLER presented a memorial of sundry citizens of Sugar City, Colo., remonstrating against any reduction being made in the duty on sugar imported from Cuba; which was referred to the Committee on Finance.

Mr. FRYE presented the petition of Dr. Antonio Josie Amadeo, of Porto Rico, praying for the payment of fees for autopsies performed for the government of Porto Rico prior to July 30, 1898; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Local Lodge No. 65, Brotherhood of Railroad Trainmen, of Osawatomie, Kans., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Grand Lodge, Brotherhood of Railroad Trainmen, of Cleveland, Ohio, praying for the reenactment of the Chinese-exclusion law, for stricter immigration laws, and for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

## REPORT OF A COMMITTEE.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2972) to provide for the building of a water dock at the channel at Ship Island, Mississippi, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

## BILLS INTRODUCED.

Mr. WELLINGTON introduced a bill (S. 4078) for the relief of Mrs. Celia Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 4079) for the relief of Bartholomew Diggins; which was read twice by its title, and referred to the Committee on Naval Affairs.

## AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. WELLINGTON submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

## TRUSTS AND COMBINATIONS.

On motion of Mr. KEAN, it was  
Ordered, That public act 190, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," be reprinted.

## PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed; and the Chair lays before the Senate the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. BATE. Mr. President, but few incidents, if any, since the days of reconstruction have transpired in this Chamber more fateful and involving more delicate issues and greater results than the ratification of what is known as the "Treaty of Paris." It was in the executive session on the evening of the 6th of February, 1899, that Senators were gathered in groups in this Chamber behind closed doors, sometimes in excited and vigorous discussion and then again consulting in half whispers or being in a dead silence, indicating that something more than ordinary was about to transpire. As I have said, it was a secret executive session. The secrecy, however, has long since been removed, allowing free and open discussion of all that then and there occurred.

There was on this occasion the deepest solicitude shown by the adherents as well as by those who opposed the treaty. While "party" figured considerably in the proposition, it was not governed wholly by it. In the main, Republicans favored and Democrats, with a few exceptions, opposed its ratification—all, however, were desirous of doing that which they believed would be the best for the country. The situation was peculiar and result doubtful. The protocol between Spain and the United States had been agreed upon and signed some time previously and the Commission appointed to settle the terms had made their recommendation and sent to the Senate the treaty for ratification, the President recommending it.

That immediate time, so to speak, was an interregnum of war. The sword had been practically put back in its scabbard, hostile guns had been muzzled, and the bugle sang truce. Troops were called home and companies and regiments mustered out. Soldiers had turned their faces homeward, away from the sound of stirring reveille and soothing tattoo, returning to the quietude of home amid the charms of its sweet domesticities. Recruiting had ceased and whole commands were being mustered out. The war with Spain, forcing her to relax her cruel grip upon Cuba as she struggled to be free, was practically at an end. War, however, was subsequently and unfortunately revived.

About this time some political genius, alike fertile in resources for party policy and commercial advantage, conceived the idea that it would greatly strengthen the party in power to retain possession of the Philippines, as it would furnish a reason for raising more troops and keeping up a large Army, with its immense patronage. It inspired the idea of giving \$20,000,000 to Spain for the Philippines, a country and people which she did not own, and from whose curtilage she had been driven by force of arms. This aftermath of \$20,000,000 came as a bird of evil omen, of weird form and pestilential breath. Peace for the time held sway and her ministrations were seen and felt by a grateful people. Yet there were mutterings to be heard because of an apparent change in the programme of the Peace Commissioners.

As the public understood it, \$20,000,000 were to go to Spain, and the Philippines were to come into our possession. This, then, after all, seemed a purchase, not a conquest. At that time there was not an armed Spanish soldier asserting Spain's authority on those islands. Even Manila, the last stronghold of the enfeebled and decaying Dons, had vanished like a shadow from the grasp of Spain. Armed Spaniards only held Manila while the guns of the fort and the ships gave protection. The dash of Dewey, with his American ships and American guns, had destroyed the Spanish fleet and silenced the batteries of the grim old fort that had, like a sentinel, stood for a century and darkened with its shadow the waters of that oriental bay.

Even the Spanish troops, which had been driven by Aguinaldo into the lines of defense at Manila as their last place of refuge, had been captured by the combined efforts in joint movement of Dewey and Aguinaldo—Americanos and Philipinos—and they were in that movement on Manila as much a unit as were the Greeks when their phalanx had locked shields where the "mountains look on Marathon and Marathon looks on the sea," and in so doing became our allies against the common enemy.

Thus this twenty-million "dicker" had upset the original expectation and changed the current of events and was pregnant with results. For without it the Philippines would have been left to itself. It was the initial to a new departure; this \$20,000,000 job was commercial not sentimental, and it was the first step toward a colonial policy, a policy antagonistic to our form of government. It was a strike even at our theory of government. Not only so, but for the time being—for no one believed then it was intended to be a permanent holding—it put us in a hazardous position, because it made us necessarily not only then, but in the future, a participant in that oriental imbroglio known as the

"Eastern question," in which all Europe is interested, and liable to be plunged into war at any day, and for that, if nothing else, Americans should have kept out, by obeying the injunction of Washington in his farewell address, and Thomas Jefferson in his inaugural address—"Beware of entangling alliances."

This was the situation as to our relations with the Philippines and Spain when Senators sat in secret legislative conclave in this Chamber on the evening of the 6th of February, 1899, to consider and ratify or defeat the "Treaty of Paris."

At this juncture some incidents in and around Manila occurred, but not of a serious character, although efforts were made by some partisans to magnify the situation and take advantage of it so as to have a bearing in favor of the ratification of the treaty. Under these influences the struggle came on, and after vigorous discussion the treaty was ratified, but by only 2 votes.

The change of one single vote would have brought a tie vote, and under parliamentary usage, a quorum being present, the affirmative proposition on a tie vote loses. So the change of a single vote would have defeated the treaty and left negotiations open to future developments, in which could have been brought about and, no doubt, would have been done, a clear understanding between the two most interested parties—for Spain was out of it—and established relations between the United States and the Philippines, thus preventing hostilities and the long train of unhappy events which for the last three years have marked the course and marred the harmony in this country as well as in the Philippines.

After skirmishing in front before we reached the regular line of battle, in which party lines in the main were observed, we reached the vote on the affirmative proposition to ratify the treaty, it requiring two-thirds of all Senators present, there being a quorum, to ratify the treaty. On the main question there were 57 affirmative votes and on the negative 27, as follows:

On the question, Will the Senate advise and consent to the ratification of the treaty of peace between the United States and Spain, signed at the city of Paris on December 10, 1898?

It was determined in the affirmative, { Yeas..... 57  
Nays..... 27

Two-thirds of the Senators present concurring therein.

Those who voted in the affirmative are Messrs.—

Aldrich,	Faulkner,	McBride,	Ross,
Allen,	Foraker,	McEnery,	Sewell,
Allison,	Frye,	McLaurin,	Shoup,
Baker,	Gallinger,	McMillan,	Simon,
Burrows,	Gear,	Mantle,	Spooner,
Butler,	Gray,	Mason,	Stewart,
Carter,	Hanna,	Morgan,	Sullivan,
Chandler,	Hansbrough,	Nelson,	Teller,
Clark,	Harris,	Penrose,	Thurston,
Clay,	Hawley,	Perkins,	Warren,
Cullom,	Jones, Nev.	Pettus,	Wellington,
Davis,	Kenney,	Platt, Conn.	Wolcott.
Deboe,	Kyle,	Platt, N. Y.	
Elkins,	Lindsay,	Pritchard,	
Fairbanks,	Lodge,	Quay,	

Those who voted in the negative are Messrs.—

Bacon,	Gorman,	Mills,	Roach,
Bate,	Hale,	Mitchell,	Smith,
Berry,	Heitfeld,	Money,	Tillman,
Caffery,	Hoar,	Murphy,	Turley,
Chilton,	Jones, Ark	Pasco,	Turner,
Cockrell,	Mallory,	Pettigrew,	Vest.
Daniel,	Martin,	Rawlins,	

The pairs were as follows:

Mr. Cannon and Mr. PROCTOR with Mr. White.  
Mr. WETMORE and Mr. Wilson with Mr. Turpie.

As to this one fatal vote I beg to say: As is seen, it required two-thirds to ratify, and that there were 57 affirmative votes given for and 27 against ratification. Now, take 1 from 57 and it leaves 56; add that 1 to the 27 against it and it would have made 28 votes against the treaty. Twice 28 makes even 56. On the two-thirds requirement this would have left a tie, and the affirmative proposition would have lost because of the tie. So it is seen that one single vote more against this "Treaty of Paris," so fraught with weighty results, could have been changed by a single vote. I know of no vote in my senatorial life, of which I have a right to feel more justly proud than the one I gave against the ratification of this treaty.

Embarrassment followed, and growing out of the changed situation, brought on from the "relics" of the war with Spain and the \$20,000,000 "dicker," another war of larger dimensions, of greater cost and greater calamity, and involving great and far-reaching questions. A war as distinct from the one just concluded with Spain for the rescue of Cuba as was one puny war of Carthage different from another, although fought by the same parties. Not only so, but it illustrates to a remarkable degree the selfishness and bad faith of a nation when opportunity offers for the stronger to oppress and destroy the weaker.

At whose instance hostilities commenced, or why commenced, or what untoward incident, if any, precipitated it, I do not care to stop now to inquire; suffice it, there is no act of Congress on the statute books directing or especially declaratory of the when and

why of its commencement. The Americans and Filipinos erstwhile were friends, were allies against a common enemy, which had been either captured, as those who were prisoners at Manila, or had been driven from the islands. The influence of the Administration, its machinery and power, in all its active force, stood by the side of those who advocated the ratification of the treaty—else it would have been overwhelmingly defeated.

It was preeminently an Administration measure—a Republican measure. The President appointed the Commission, and he appointed four out of the five, Republicans—leading Republicans—and but one Democrat and he not in accord with his party on the currency question. It was not a party war and should not have been made up as it was—almost exclusively of men of one party. This treaty has been, and is, such a factor in the make-up of our current history and bids fair to enter so essentially in our future life that it is to be regretted that every amendment offered, every motion and word then uttered on that fateful evening, were not taken down and preserved in the CONGRESSIONAL RECORD as is done in open session. This treaty has become a pivotal point in our history. It invites a new system, and in doing so strikes at the theory of our Government. It opens the door, and does it rudely, to the temple of our liberty—aye, to the very sanctuary of our altars.

It is a departure from the old landmarks of the fathers—landmarks made sacred by the blood of our Revolutionary ancestry. It is the initial of a new political dogma, inconsistent with our theory of government. It opens up and enters upon a colonial system of government, a system totally inconsistent with our republican form, and stands as a finger board along the great national highway pointing to imperialism.

May I not pertinently ask why did the Administration change its policy soon after this, in calling for the large army to go to the Philippine Islands, from volunteers to regulars, and that, too, just at the time when we wanted them to go to the Philippine Islands? This was another step toward centralization. It took from the governors of States the power to appoint the officers of regiments, and the privates to elect the commanding officers, and gave to the President the right to appoint them.

Ours is a representative government, and those representatives chosen by the people. Such could not be carried out in the Philippines, were it a part of us. Our Declaration of Independence says, "Governments derive their just powers from the consent of the governed." Now, the difference that exists between the two peoples, the Anglo-Saxon the one, and the other a mongrel breed in which the Malay is predominant—the white race and yellow race, speaking tongues not only different from ours, but as confused among themselves as those at the tower of Babel, and accustomed to a totally different form of government, with different habits of life, and living 9,000 miles away from us—these facts forbid the idea of their becoming a part of us, or being united with us in a common political destiny.

If a part of the Government, they should help to support it, and under the Constitution taxation must be equal; and we recognize in our form of government that there can be no taxation without representation, and the most advanced imperialist does not wish to see the farce of elections practiced in these islands for representatives in our Congress, and for us to have Filipinos in our Senate and House of Representatives holding a balance of power on important questions governing the policy of our people.

If we take them as a part of us this must follow, or we must change our form as well as theory of government.

This is no fancy sketch, no hobbyhorse with which to frighten children. It is a live, practical, burning question that we, as American citizens, have to face sooner or later, if the present Republican programme is carried out.

Mr. President, it is not incumbent on the opponents of the bill for raising revenues for the Philippine Islands, when insisting upon a strict adherence to the principles of taxation as embodied in the Federal Constitution, to discuss the right of the United States to acquire territory by conquest as the result of war or by treaty at the end of diplomacy. In the case of the Philippines that matter has been settled, at least for the present. But, however much I may regard the acquisition as hurtful to our system of government and destitute of benefit to our people and wrongful to the Philippines, the present is not the time to fully open that discussion nor to propose a remedy for the evils which have sprung from the "treaty of Paris."

I believe, Mr. President, in common with many millions of our fellow-citizens, that the right to constitutional taxation is inherent on all of the people of the United States over whom the American flag floats, and that Congress has no right to deprive any portion of the people whom the flag of our country protects from aggression, of their inalienable right to constitutional taxation; that having, by force of arms, made the Philippine people a part of our fellow-people, Congress has no constitutional power to deny them fellow-citizenship; that fellow-citizenship arises not from

treaties, but from our Constitution and laws made in pursuance thereof, and once acquired can not be alienated by the people nor divested by Congress.

From these principles I believe it to be a violation of our theory of Government, as well as the spirit of American institutions, to draw a line of demarcation upon one side of which we recognize the Constitution, with all its privileges in full force and effect, but on the other side we deny its application and withhold all its rights and privileges.

Every citizen readily submits his judgment to the decree of the Supreme Court on controversies between man and man. All recognize that there must be a finality to contentions as to property and the right to property, and that there must be a tribunal which shall decide finally between contestants to cases in that court of final resort.

But in view of the oath which a Senator takes to support the Constitution, I know of no system of ethics or morals which binds a Senator to accept as final and conclusive, reasons and arguments so conflicting and contradictory that the court itself can not reconcile them, and arrives at its conclusions by a bare majority of one, and that one shifts position and runs about among the cases so that neither the people nor the profession of law can be certain of anything except that one man must pay duty on importations and another must not.

Upon that narrow margin of one vote the line between what is constitutional and what is unconstitutional has been drawn, and all the vast rights of personal liberty and territorial government for 10,000,000 of people are to be determined by the opinions and reasoning of a single justice. Upon that narrow brink this bill is rested and the validity of the collection of the millions of dollars which will follow its enactment have the sanction of five against four, and that is a decision by one justice.

The accident of death, followed by the appointment of another justice, may in cases arising in the not distant future upset the foundation of all this legislation and reverse all upon which the majority in this Congress are now rejoicing. That margin is too narrow for the determination of political questions involving the construction of the Constitution by the officers of coequal departments of the Government, charged by the solemnity of their oaths to support the Constitution, and not the reasons; not to be bound by the reasoning and arguments in the opinions of justices by which they reach their conclusions in cases involving property and the right to property.

I can not subscribe to the doctrine of "appurtenant territory" and of millions of people acquired by conquest from the nation over which the Constitution does not extend *ex proprio vigore*, and that the supreme laws of the land must halt at the confines of appurtenant territory and reaches not a people acquired by conquest, but that all the rights which the Declaration of Independence asserts, and which the Constitution protects and the Union of States defends, are limited to the people of the States and can be enjoyed by the conquered people only at the discretion of Congress.

That numerous and important class of the people who, in the vernacular of politics, are designated as the "plain people" and sometimes as the "common people," as well as some of us who represent them in the Congress, can not follow the metaphysical reasoning which writes "appurtenant" before territories in the Constitution. They can not understand why the Pacific Ocean can be bridged for the revenue clause to the Hawaiian Islands, but that the revenue laws can not cross the other half of that ocean and bring the Philippines within that equality and conformity of taxation which the framers of the Constitution intended for all parts of America and for all classes of Americans, whether they resided on the continent or on the islands of the oceans over which our flag floated as the emblem of our possession and as warning to all the nations of the earth.

Every citizen understands the necessity for an enabling act by Congress to authorize the change from Territorial to Statal condition, but the authority of the President to establish a government other than military during flagrant war, however deduced by refined reasoning, is incomprehensible by the people who have been taught by their fathers and forefathers that all governments derive their just powers from the consent of the governed. A people so instructed and conscientiously believing will always hold a government constructed without representation and suffrage as a practical denial of the great American axioms of government.

The people are too wise to believe in the submission to overwhelming power or consent; but even submission has not been made by the Filipinos, but resistance still files its protest against ownership, whether by conquest or purchase.

The right of the United States to maintain supremacy where its flag floats can not be denied, in view of the bloody precedents which stain so many of the pages of our history. But in every precedent heretofore made our Government has soon returned to

American principles by reasserting the right of self-government, with the right of representation in taxation, and that of participation in the framing of legislation.

But those great fundamental principles in American Government, recognized in the eighteenth and enforced in the nineteenth, have been abandoned and discarded in the twentieth century, because the Republican principle of protection to the manufacturers at the expense of consumers would be compromised by the free admission of American products from the Philippines. The principle of reciprocity, so anxiously urged by the late Republican President in his last speech, and opposed by one section of the Republican party to all or any foreign nation which will accept its free-trade provisions, has not been tendered to the American people in the Philippines, but in its stead the formal statements of Dingleyism has been shoved at them and are to be enforced by musket and rifle until they submit to American civilization by "strenuous means."

For the shadow of Spain's sovereignty over the rebellious subjects in the Philippines who had driven her power and her authority into the fortified city of Manila—that last ditch of the expiring monarchy; and for that shadow of right we paid the enormous sum of \$20,000,000. That immense amount of money was paid for what Spain could no longer hold, and had no right to sell. Nevertheless, we bought and paid for the archipelago—lands, peoples, volcanoes, and insurgents—a bargain-counter trade on odds and ends which were of no particular good, but it was thought they might be "handy" in the Eastern question.

The new doctrine that there could be in our system two differing and conflicting conditions as to our taxation and trade was not thought of by the people before the conclusion of the treaty of Paris. Had it been suggested and so understood that treaty never would have been ratified. No man had advanced the idea, that free trade between the territory to be acquired by that treaty and the United States was impossible, nor did any advocate of the annexation venture to assert that the tobacco and sugar of the archipelago should not compete in the markets of the United States with similar products of this country, or be paralyzed by monopolizing trusts, or that the cheap labor of the islands was to be forbidden to compete with the higher priced labor of the United States was never advanced until the treaty had been ratified.

It was to prevent the effect of the annexation upon the protective policy of the Republican party that the new doctrine was invented that the Constitution of the United States was not self-acting and self-asserting, but that its creature, Congress, must help this creator to go with the flag and cover with the aegis of its protection the new people and country. After the treaty was ratified came the apprehension that the Republican party had, to use a trite expression, "bit off more than it could chew," and then was blossomed out the brand-new construction that only Congress could send the Constitution beyond the States—and forthwith it was added that Congress would not send the Constitution to the people of the new acquisitions except with a string to it, which denied equality of administration, taxation, and citizenship.

*The evil consequences of such a construction of the Constitution are not limited or restricted to the territory and people of the Philippines, but inaugurate the supremacy of Congress over the Constitution, and in that changes our theory of government; and that is done solely to guard the Republican policy of protection to manufacturers at the expense of consumers, to the interest of the classes rather than that of the masses.*

Mr. President, government and legislation by discretion, whether of one or many men, is despotism. The Czar is not more a despot than a Congressional majority where no controlling influence marks the limits of its powers. It is the limitations of power which distinguishes constitutional from despotic government, and however mild and merciful the legislation may be, if it emanates from mere discretion of an individual or of a congress, it is despotic and utterly un-American.

To that conclusion the policy pursued by the Republican party toward the Philippines has been brought by its desperate effort to protect protection and at the same time exploit the labor and protection of 10,000,000 people in those islands in the interest of the protected classes in this country. So transparent is that motive that any voice raised in behalf of new American methods of government, or in protest against the wrong done to the people in the islands and in the States by this departure from long-cherished principles and precedents, is denounced as aid and comfort to the enemy.

Mr. President, if it be treason to stand firmly and persistently for American principles and precedents, at all times and in all places, let them make the most of it. The Democratic party stands now, as it has always stood, for every principle which animated the souls of the patriots of '76, and if the Filipinos have caught up the echo of those principles across the ocean, what American can deny their righteousness because they are invoked against a greater despotism than the devices of England exerted against

the patriots of America? The most partial analysis of the indictments by the colonies of the British administration in 1776 will make so plain the wrongs done to American principles that he who runs may read the strange and unnecessary departure that has been made by the Republican party from every count in the indictment of George III by our forefathers.

That this great archipelago, with all its millions of people, fell to the United States by the results of a war or by purchase does not alter the fact that since the acquisition we have continued to wage war upon them instead of exerting the peaceful methods of conciliation. Conquest, if by that we hold title, with all its cruel appliances, has filled the islands with a standing army, while the open avowal of the purpose to deny that people the same independence which our colonies wrested from England has kept alive the spirit of rebellion against subjugation. Would our ancestors have done less than the Filipinos have endeavored to do in their ardent desire for independence?

If our Revolution required seven years of warfare to gain liberty and independence, how many years will be necessary for the subjugation of 10,000,000 of people 10,000 miles away? And how many hundreds of millions of dollars will it require to pay for a conquest where financial value could be obtained in all its fullness for a quarter's interest on the public debt which is being created to stifle the same—yes, to stifle the same kind of aspirations which fired the hearts of American patriots in the Revolution? In asking for the Filipinos the same measure of rightful government for which our forefathers fought, the Democratic party does no violence to principle or precedent, to the honor or welfare of the American people.

We rather conserve the glorious examples of our forefathers in doing for others as they did for us, and in seeking to plant independence and nationality in the Pacific isles as our forefathers did on the American continent. To say that the Filipinos are not fit for independence is to beg the question and to assert as a fact that which had not been attempted by our Government nor permitted to the people of the Philippines. Government by commissions succeeded government by army, but not once has an effort been made to bring the governed to the realization that future independence and nationality would follow the successful experiment of self-government.

We have banished hope from the Philippine heart and left despair to work out its desperate endeavor.

And now comes the crowning act of wrong and injustice in the bill for raising revenue—to further emphasize the fact that the islands belong to the United States as property, and that the people are not of us as fellow citizens, but pariahs of one colony whose products and labor are taxed both as exports leaving the island and as imports entering the United States.

So far the results of the war with Spain have been wholly sentimental. We freed Cuba from the tyranny of Spain; we have given Porto Rico a Territorial start which may help her people in the future when their old Spaniardism has worn off and Americanism found growth. But the realization of that is in the future. We have carried war into the Philippines, but nothing else so far—the school-teaching is yet a future product. How many millions of dollars have been expended in this sentimental programme of exploitation is not known to the people. But the money value of this war for trade speculation has not put in its appearance so far.

There had been brought into the United States from the Philippines during 1901 products of the archipelago valued at \$2,855,685 and the United States had shipped into the archipelago products valued at \$2,572,021. During the same year England had landed in the islands products valued at \$6,956,145 and received from the islands products valued at \$10,704,941. Taking an account of all merchandise, it appears that the archipelago imported value amounting to \$30,279,406 and exported values equal to about \$23,214,948.

In every feature of these returns it must be noted that the people of the archipelago sell more than they buy; and that, without a protective tariff, their policy, whether it is accidental or not, is the same as that of the Republican party in the United States—of selling as much as is possible and buying as little as is possible—and which the late Republican President deprecated in his last speech as impossible of long duration. But the accuracy of those figures has been controverted, and the War Department has submitted to the Ways and Means Committee of the House of Representatives a letter showing what we get for our investment in the brawn, muscle, and sinews of the Filipinos.

The latest report on that investment is as follows:

WAR DEPARTMENT, Washington, December 12, 1901.

SIR: In addition to the memoranda and documents already furnished your committee relative to the present Philippine tariff and the customs revenues of the Philippine Islands, I have the honor to inclose herewith extract from the last report made to the Secretary of War by the Philippine Commission. This report covers the period from November 30, 1900, the date of the former

report, to include October 15 of this year, and has been sent to the Public Printer for publication.

Your attention is specially invited to the statement of the Commission that under the rules and administration of the old tariff it was difficult to determine the country of origin of importations into the islands, and therefore that Hongkong, the free port, headed the list in 1898, 1899, and 1900, but mainly because of the fact that under the rules then existing a large quantity of merchandise from the United States, England, and the Chinese Empire, amounting to, probably, 70 per cent of the total imports, was credited to Hongkong, having been shipped to Philippine ports from and invoiced there.

The collector states that this merchandise should have been credited to other countries, approximately as follows:

	Per cent.
United States.....	25
England.....	25
Chinese Empire.....	20

The United States, therefore, should be accordingly credited with an approximate total of imports of merchandise during the fiscal year of \$3,440,831, which, compared with the annual average under Spanish control, \$130,662, shows a gratifying increase.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

HON. SERENO E. PAYNE,  
Chairman Committee on Ways and Means,  
United States House of Representatives.

From that report it appears that England, without a dollar of investment, reaps as much return as the United States with \$20,000,000 in the capital stock of the investment, and China is doing almost as well without a penny in the investment.

Such is the official return of the first year of our "investment," as the acquisition of territory and people so termed in the technicality of that commercialism which now engrosses all thoughts and finds development in this bill for raising revenue for the islands, and at the same time securing a better return on the investment by the system of twofold taxation on the same product as an export from the islands and an import into the United States.

It will not be denied that since the United States has firmly fixed its grasp upon the islands its only duty is to do all that is possible for the betterment of the condition of the people, and that money is necessary to build roads, schoolhouses, improve harbors, clear up malarious districts, and make other improvements for the welfare of the people; and that the money necessary to these ends must come from taxation. But this bill shows our inaptitude for colonial government in that it appears American and not Philippines in taxation.

It carries American ideas, principles, and methods to a people who know nothing whatever of American conditions, and however natural it may be that so long as this country governs the island, it should govern on American principles, by American methods, it is not less an anomaly which applies to a people utterly ignorant of our history—those intricate workings of our Government which the enlightened nations of Europe understand most indifferently. On the other hand, neither the Congress of the United States nor the Philippine Commissioners understand the ideas and practices, the Spanish methods, and Philippine conditions which have controlled the thoughts and shaped the habits of that people during the centuries of Spanish dominion.

The Philippines can no more change the ideas and conditions which the centuries have hardened into habits than the Ethiopian his skin or the leopard his spots. The enlightened principles of colonial government seeks the least possible changes in the ways to which the native population has become accustomed, and in that most delicate of all governmental operation, the levying and collection of taxes and the administration of expenses among a strange people, the adaptation of their existing methods addresses itself to the conciliation of the people.

The hundred years during which the people of those islands suffered from Spanish methods of torture must have taught them the subjects and methods of raising money which would bear least upon their energies and their poverty. If that people had had a voice in the imposition of taxation, its hardships, if not avoided, would have been of their own creation and not of ours. As it is, the American Congress stands out in their sight as the source of another oppression by which their means are exploited, as their people have not been skilled by American armies. Our methods have never been with the gloved hand of peace, but always with the mailed hand of war. We have ever shown our purpose to conquer, but not once to conciliate them.

This bill, Mr. President, will become law and be put in force notwithstanding any objections that may be urged against it; but it will not bridge the chasm that separates a people struggling for independence and this Government under the Republican party, bent on conquest, exploitation, and commercialism. The conquest of the islands will be accomplished, but the time required for that end can not now be fixed. A handful of Seminoles in the swamps of Florida baffled the United States for a quarter of a century, and the bill of Florida for her expenses in that war has not yet been paid by the United States.

How long the guerrillas of the fastnesses of the Philippines can hold out no man can do more than conjecture. But long or short,

the game is not worth the price this country must pay for it in blood and treasure. Whatever commercial and trade advantages the islands may offer, these can be more easily and more righteously obtained by measures of peace than by the means of war.

It was in this spirit of peace and conciliation that an address was delivered in St. Louis by the Hon. John B. Henderson, an extract from which so well embodies my views that I shall insert it:

Imperialism reverses the entire theory of self-government. It discards the wisdom of our forefathers, repudiates, without charm, the Monroe doctrine, and joins hands with the execrated holy alliance. It rejects the civil quality of men and accepts without protest the oppression and despotism of the sixteenth century. This war on the Philippines brings us back into the shadow of the dark ages. It is a war for which no justification can be urged. As no reason could be assigned for its existence, Congress was ashamed to make up any record of its declaration. It has scarcely a better excuse than the wars of subjugation waged by imperial Rome, whose object was to plunder and enslave the weak, and whose result was, in the language of its own historian, to make a desert and call it peace.

The first fruits of that imperialism of which this colonial system is the forerunner will ripen in this bill, which fosters and protects the interests of the gigantic tobacco trust, which now holds the manufacture of tobacco in its grasp throughout this country and is reported to have lately secured the German Empire also for its preserve.

While one wing of the Republican party, under the chairman of the national committee, advocates the repeal of all duties upon importation which any trust manufactures, the other wing, under the leadership of the chairman of Ways and Means, doubles the duties on tobacco, of which one of the greatest trusts is the sole manufacturer.

It has been said that when two laborers run after one manufacturer the price of labor goes down, but when two manufacturers run after one laborer the price of labor goes up; so when the tobacco planters of these States knock at the door of one great trust they must accept the price which the trust thinks its profits will allow. The exclusion of the Manila tobacco does not help the planters so long as the trusts control the price of the crop. The export duty at Manila impoverishes the planters of the island, and the import duty of the United States does not benefit the planters in this country, for the trust controls the price.

Tobacco has lost its market except as the trust may determine. The same may be said of sugar, whose great trust has successfully defied the antitrust law of Congress. The fall in price of trust-manufactured goods in the last two years can not be accepted as a criterion for the future. An intense public sentiment, alarmed at the great aggregations of capital, demands of Congress legislation which shall control all trusts, and will not be pacified by a sop to Cerberus in a reduction of price, while the agitation by the people demands security against such combinations.

I have not examined the details of this bill, but have accepted the two articles which were used at the other end of this Capitol to taunt the Representatives of tobacco-growing States with the question whether they would be willing to put the tobacco of the Philippines on an exact equality in the markets of the United States with the production of the same article in the States. So long as the tobacco trust exists it matters little about the exact equality in the markets. The price is fixed by the trust, and whether the tobacco is grown by cheap or dear labor, the planters must accept what the trust allows. Hence, free trade with Manila would neither help nor hinder the American planter, bound as he is in the unconscionable grasp of the tobacco trust.

That grasp must be broken; the market must again be opened before either protection or free trade can help the planter. But the bill for the Philippines, with its double taxation on import and export, very clearly indicates that the wing of the Republican party which flaps under the direction of the chairman of the national committee will fall limp and useless and that trusts will continue to flourish so long as the Republican party is in power.

Mr. President, it is futile for the supporters of the existing policy toward the Philippines to attempt to smother American sympathy for the oppressed in any quarter of the globe. That sympathy is ingrained in the American character, and will find its impression alike for the Boers of South Africa as well as the Filipinos. It is by the suggestion of that sympathy that the Democratic party in this country advises the Filipinos to abandon their fruitless struggle with the power and resources of the United States, and to submit to the inevitable and end a guerrilla war which can have no other result than their conquest or their annihilation.

In prolonging the agony of a fruitless war, the Philippines deprive their real friends in this country of all power to consider a different policy from that which most exists. So long as war continues, every American, even while condemning the policy, feels that he must support and sustain the Army and Navy in all efforts to maintain the Government and its authority. It will be wisdom on the part of the Filipinos to lay down their arms, accept amnesty, and calmly await the coming reflection of the

American people on the policy which will decide whether their future shall be that of independence with American protection, or nationality. However apparently positive may be the present purpose of this country to hold the islands, there is always working in the public mind that sober second thought which quickly responds to changing conditions.

The protective policy of the Republican party at present demands tariff restriction on Philippine products, but reciprocity is gradually undermining that restrictive policy and, in an indirect way, working toward a more liberal consideration of the interests of all the people. The late Republican President saw and voiced the handwriting on the wall—that this country can not always sell to foreigners and deny them the opportunity to sell to us. Whenever the liberal policy of a tariff for "revenue only" becomes again the fiscal policy of the United States, its reactionary influence will call up for consideration the future of the Philippine Islands. Peace, and immediate peace, is the best policy for the Filipinos, for in politics, as in other matters, he that can wait will win.

But, Mr. President, while I believe that peaceful measures will be the best policy, yet I see no immediate hope of it. The Philippine Islanders ceased their mode of warfare to adopt a guerrilla mode, to which their mountains and rivers and swamps are so well adapted, and can keep it going, as they have done against Spain, for years and years. We have already spent more than \$350,000,000 in this ugly Philippine business, and lost, directly and indirectly, 10,000 lives of good and patriotic young men of our country, and the end is not in sight. How long shall we continue this expenditure of lives and money before we even offer to the Filipinos the olive branch of peace?

Mr. President, why can not this mighty Government, which has become the greatest of nations, without the colonial system, let the Filipino leaders be brought together on our motion, and under our auspices organize, and let us say to them, "Make your government to suit you; we will protect you from foreign interference, as we have Cuba, until you get on your feet, and then you must take care of yourselves?" I see no dishonor in our taking the initiative and bringing about the result. It can not be truthfully said that they are incapable of organizing a government, for the reason that the record shows that they had an organized government under Aguinaldo and fought Spain successfully under that government.

Mr. President, paradoxical as it may appear, it is nevertheless morally true that—

History, with all her volumes vast,

hath but one page, all over which is written in imperishable characters the warning words, "Be sure your sins will find you out." Retributive justice is among the eternal verities of the Supreme Governor of nations of the world, and from His fiat there is no escape for sinning man or sinning nation.

The ages that have passed enable us to read its illustrations on the pages of Roman history and find its finis on that "field of freedom, faction, fame, and blood." And yet Rome endowed her conquered people with the proud title, "Civis Romanus sum," which since Rome's day, even in the twentieth century, the Republican party denies to every Filipino the name of American. I should like to have some one here tell me, Mr. President, whether the Filipino is a citizen of the United States or of the Philippine Islands. He must be either one or the other. I have heard no man yet distinctly say that he was an American citizen and entitled to the rights of a citizen.

In later times, within the personal knowledge of all, has Germany made the conquered people of Schleswig-Holstein, Germans, and gave to those wrenched from France, in Alsace and Lorraine, the status of all other Germans. Such unifying methods of modern conquest rob defeat of half its mortification and tend toward that conciliation which eventually cements the victors and the vanquished. But at the treaty of Paris the Republican party, then, as now, in power, turned back the pages of history and found the example to follow in that partition of Poland by which an ancient people was wiped from the map of Europe. Following that precedent, the representatives of the United States expelled the Philippine people and left them neither Filipinos nor Americans.

"They are not fit for self-government" was the excuse of the despots of Europe for annihilating the Poles, and in the twentieth century hear the same excuse given for seizing the Philippine Islands and depriving their people of all that makes patriotism respectable. But that excuse was as potent before Dewey's guns opened the way to conquest as it was after Spain sold that to which she had no rightful title. Did the United States pay the \$20,000,000 to perfect Spain's title in order that our Government might take by purchase that which had already been wrenched by the victorious Filipinos from Spain's enfeebled grasp?

When the late Emperor of Germany, William I, was crowned King of Prussia, he made the declaration that "Prussia is ready

everywhere to protect the right." But it soon became apparent that "the right" was only as he defined it—that is, the right of Prussia to seize the provinces of Denmark and of the German Empire to grab the provinces of France—the right which successful war asserts and maintains against the "consent of the governed."

Now, in contradiction of all the precedents and principles of our history, the United States is made to assert that same right announced by despotism, only our right rests on bargain and sale without the owner's consent, and not that which springs from the blood and iron of nery soldiers. The splendid glamour of successful war may dignify conquest, but the double and triple negotiations of diplomacy deprive the catastrophe of all its glory, and the splendid record of Dewey at Manila and the glorious victory of Schley off the coast of Cuba are dimmed and impaired in the diplomatic trade at Paris.

The Government of the United States is in the category of holding, as an imperial master, the Filipinos under the muzzle of Gatling guns and demanding tribute or tax, and at the same time denying to them a voice in the Government that taxes them, thus openly and defiantly overriding one of the plainest rights guaranteed by the Constitution, when it says "There shall be no tax without representation." This is not only a palpable denial of constitutional rights, but is a change in the theory of our Government, for it is a popular government and based on the will of the people, expressed through those legal channels provided therefor. It is "a government of the people and for the people," and whenever their voice is throttled it ceases to be an exponent of popular government.

It has been said "the highest type of civilization the world has ever seen is American civilization," and I believe it. The Declaration of Independence is its corner stone and the Constitution is its protecting shield. This *civilization* was rocked in the cradle of *local self-government—States' rights*, if you please to so call it. When that local self-government is gone from our country, its epitaph will be written. Then let us, while we may, further strengthen its defenses. Let us build up and not tear down its walls of protection. Let us dig deep the trenches around it and place our sentinels on the ramparts.

But, Mr. President, the last pain growing out of this Philippine war is not yet felt; the last tear of sorrow has not yet fallen; the last agonizing groan has not yet been uttered. We look upon the picture in the Philippines as it now stands and we see instead of the vigorous, healthful, American soldier with full form and ruddy, cheerful face, the shrunken cheeks and shriveled limbs, with hospital near by, floating its yellow flag and visible in its baleful wards "palida mors."

Mr. President, did we not justly claim credit with the civilized world for going to the relief of Cuba when in her helplessness she cried out in agony against the domination and cruelty of Spain? And now, before the detonation of the guns that freed Cuba shall have died away, shall we play with the Philippines the part of Spain to Cuba—only excel her in cruelty and domination over a feeble race of people who have been for years and years striving to be free from the clutches of that same Spain? Both the Philippines and Cuba belonged to Spain and both have been struggling for years to free themselves from the Spanish yoke. Exactly the same principles were involved in each case—human liberty and national independence. Both of them, or a certain part of each, had become our allies and took part with us in the fight.

There was a large class of Cubans who opposed our interference, but we disregarded it and pushed to a successful conclusion and became a protectorate or temporary guardian for Cuba during a pupilage of three years, and then agreed to stand by her for the time being in her peril; and now we so far recognize her nationality as to propose to treat with her *reciprocally*, provided reciprocity can reciprocate as to certain articles of her produce.

Now, the Philippine Islands held at that time the same relations to Spain as Cuba did—both struggling for individual liberty and national life.

Yet, see the difference in our treatment. The one we have nurtured into national life, the other we have betrayed and deceived, and fain would destroy.

We gave the Philippines the smile of approbation and the hand of friendship, but, to our shame be it said, there was a dagger behind that smile and that hand of pretended friendship unsheathed that dagger and with its glittering steel pierced the poor Filipino's side as he struggled for liberty. He had just beaten the minions of old Spain, and, with our aid, had given the finishing touch to his aspirations by uniting in the capture of the last armed Spaniard on the soil of his hallowed islands.

From the time that Manila was captured by the Americans and Filipinos, in joint and supporting movements, we held possession of the archipelago. If conquest took the title from Spain, if she had any, it was joint title to the United States and the Filipinos.

But it was not then desired by us. The country did not want it. It never dreamed of making a permanent lodgment in the Orient, save in a coaling station and a shipyard.

The very idea of so doing brought with it repulsion. But we believed, and had a right to believe, as this archipelago bore similar relations to Spain as did Cuba, that like treatment would follow; and as we had given assurance to the civilized world in the Teller resolution that the United States was not seeking to assert sovereignty, jurisdiction, or control over the island of Cuba, but to protect it, and that as soon as peace was restored Cuba should be free, so the civilized world had a right to expect similar treatment by the United States to the Philippine, as that given to Cuba, and only monarchies that believe in a colonial system rejoiced that we did not. With this annunciation as to Cuba it was of easy conclusion that the Filipinos would receive similar treatment.

Instead thereof, this Government assumed entire control of the islands, denying to them even a chance to establish a government of their own. Instead of holding out the olive branch, inviting peace and helping them to get on their feet, we presented the naked sword and the double-shotted Gatling gun, the Mauser and the Maxim, and have given them, with reconcentrado camps, the Spanish inquisition "water cure" and General Bell's celebrated order, almost a facsimile of those of the Duke of Alva, which marked an epoch of cruelty in history. In the name of Liberty are we doing all this? "O Liberty, how many crimes have been perpetrated in thy name!"

Lord God of hosts, be with us yet,  
Lest we forget, lest we forget.

Mr. SPOONER. Mr. President, I have sincerely lamented this debate. The bill reported by the majority of the Committee on the Philippines is a bill entirely free from complication; it is simply a revenue bill; and whatever difficulties Senators who are lawyers and other lawyers may have in understanding or reconciling the *opinions* of the Supreme Justices of the United States in what are called the "Island cases," I take it it may be considered settled by the *decision* upon the tariff feature of what is known as the Foraker Act that this proposed tax bill is constitutional. I do not intend to spend any time in analyzing those opinions. The decisions are easily understood.

What is the distinction between territory *appurtenant* or *belonging* to the United States and territory *incorporated* into the United States, I do not intend on this occasion to discuss.

Every dollar of tax which is proposed to be collected under this bill is for the support of government in the Philippines, as every dollar of tax proposed by the Foraker act to be collected upon articles going from the United States into Porto Rico and coming from Porto Rico into the United States was for the support of the Porto Rican government.

I had hoped our friends in the minority here, because we are over there and we are attempting to establish a government there, which must be supported, would find it in harmony with their purposes to discuss this bill and record themselves against it, if they are opposed to it, and to allow us who have the responsibility of the present situation in the Philippine Islands, so far as legislation is concerned, to pass it promptly.

But, Mr. President, that was expecting too much, and upon this bill—but not germane to it at all—has gone on here for weeks a debate involving every phase of what may be called the Philippine question. It has been a debate full of vituperation and taunt, and sometimes, Mr. President, there has not been entirely absent insult. That its purpose was ulterior, and that its effect will be bad, I think no man can doubt.

I picked up this morning The Commoner—I can not now place my hands upon the copy of it which I want—in which the distinguished candidate of the Democratic party in the last campaign, and the preceding campaign, comments upon this debate, sets forth the substitute presented by the minority, and remarks that the Democracy in the Senate by this debate and by this substitute are rendering great service to the "*party*"—to the *party*!

We have upon our hands, Mr. President—and that distinguished gentleman helped efficiently to put it in our hands—a difficult problem. Never have we had one more difficult, and I think the people of the United States—I may be wrong about it—will in the exigency which confronts us demand of their public servants in the legislative halls and in the Executive chamber a solution of that problem and every phase of it, not with reference to the interest of party, but solely with reference to the interest of the country.

Senators on the other side have been pleased to charge the present situation in the Philippines to the greed and dishonor of Republican leadership. Ugly words have fallen from their lips to us across this Chamber because we chance upon this question to differ with them; and the ugliest, Mr. President, have fallen from the lips of those who but a little time ago were members of the Republican party. Do Senators think because we differ from them that we care less for liberty than they do? Do they

think because they do not agree with the policy of the Republican party that they have warrant for denouncing the members of that party and its leadership as being insensible to honor, indifferent to perfidy, controlled by unworthy motives? Do those Senators who a little time ago went out from the party think that all the patriotism, all the love of liberty, all reverence for the Declaration of Independence, all loyalty to the Constitution departed with them?

The Senator from Colorado [Mr. PATTERSON] entertained the Senate yesterday with a speech which, rhetorically, was to be admired. With a portion of his argument I do not disagree; but that Senator saw fit to make an attack upon Governor Taft, who has been testifying before the committee of which the Senator is a member, and to charge him with willful misrepresentation of facts before the committee and with slandering the Filipino people.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. I think that statement of the honorable Senator from Wisconsin is a little too broad. I did not charge him with the willful misrepresentation of facts. I did call attention, Mr. President, to statements of facts made by the War Department, and then to his own, and I did say that there was a clash between them, and that it was the War Department against Governor Taft, and that in his statements to the committee he had indicted the entire people of the Philippine Islands for everything that was ignominious and disgraceful.

Mr. SPOONER. Ah, Mr. President, the Senator has forgotten what he said. He said the statements in the document from the War Department conflicted with the statements of Governor Taft before the committee, and that Governor Taft had a motive for misrepresentation.

Mr. PATTERSON. I said there was a motive.

Mr. SPOONER. A motive for misrepresentation.

Mr. PATTERSON. Yes, sir.

Mr. SPOONER. Because he appeared as the advocate of the imperialistic policy of the Government.

Mr. PATTERSON. That is a correct statement of what I said.

Mr. SPOONER. Yes; to say that that did not charge Governor Taft with willfully misrepresenting the facts and slandering the Filipino people is evasive.

Governor Taft needs no defense from me. He misrepresented nothing. I have known him many years, Mr. President. I have the profoundest respect and admiration for him, for his great ability, for his patriotism, for his attractive personality. Governor Taft went to the Philippine Islands not because he wished to, not because he desired to rule a people. He went in a spirit of self-sacrifice. He resigned a position which was for life upon the Federal bench in the line of his profession, to which he is devoted. He went there at the request of President McKinley. He went there reluctantly, and only because it was represented to him that by going, by making the sacrifice—and it is in many respects a sacrifice to him—he could do good in this exigency. There is no man more entitled to confidence for ability, patriotism, integrity, and accuracy of statement than Governor Taft.

But what made me particularly deplore the Senator's utterance was not his imputation upon Governor Taft. That takes care of itself. It was the absolutely malign possibility which it contained of doing harm over yonder. Governor Taft is to return there. He is to resume his position as civil governor. He is to take up the work which he laid down when he left there. He is to meet again the Filipino people. He is to go forward in the attempt to win their confidence. Did the Senator realize that his utterance would tend to create a prejudice upon the part of the Filipino people against Governor Taft, to obstruct his efforts and the efforts of the Commission by sending back word to the Philippines that in a public place here he had traduced that people and vilified them?

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. I hope the Senator does not claim because Governor Taft is to return to the Philippines, and because he holds the relations to the Philippine people which he does, that therefore criticisms of his statements and criticisms upon his attitude toward the Philippine people, as that attitude is made clear by his own statements and the reports of departments of this Government, should not be indulged in.

Mr. SPOONER. What a Senator will indulge in in this Chamber, Mr. President, is for him to decide. If he thinks it proper to deliver utterances here which elsewhere can not fail to be obstructive and harmful, it is for him to decide.

The Senator from Colorado went further and declared that

there are 6,000,000 Christians in the Philippines. "Christians"—"Christians," he said, and that it was his opinion that if those 6,000,000 Christians were Baptists, Methodists, and Presbyterians, the people of the United States would have risen long ago in protest and suppression of the outrages and the cruelties which have been perpetrated upon those 6,000,000 Christians over there.

Mr. PATTERSON. Mr. President, that is not a correct statement.

Mr. SPOONER. I am willing to be corrected.

Mr. PATTERSON. I said the Baptists and the Methodists and the Presbyterians and other denominations, if the Filipinos were Christians who had been taught their Christianity in the sanctuaries of those churches, would have risen almost as one man and one woman to protest against the shooting down of members of their churches in order that they may be brought under subjugation to the people of this country. I did not say the people; I said the members.

Mr. SPOONER. Did the Senator mean to send word to the Filipinos—the 6,000,000 Christians—that the Christian people of the United States, not of their particular sect, cared nothing for outrage, oppression, cruelty, tyranny imposed in the Philippines upon Catholic Christians?

Mr. PATTERSON. That is not what I said.

Mr. SPOONER. Did the Senator mean to give to them over there that impression? If my voice could be heard there in answer to his observation, I should say to them, "That is a slander of the Protestant Christian people of the United States. Do not believe it." I would say to them, Mr. President—

Mr. PATTERSON. May I ask the Senator from Wisconsin a question?

Mr. SPOONER. Certainly.

Mr. PATTERSON. Is it your opinion that if the Filipinos were Methodist and Presbyterian and Baptist Christians the Methodists and Presbyterians and Baptists of the United States would permit, without protest, the subjugation of those people by fire and sword and cannon and all of the other cruelties that are connected with the war of subjugation?

Mr. SPOONER. If that were not my opinion, I would not have begun the utterance of the sentence which the Senator interrupted. The Senator dealt with the Christian sects of the United States. There is no religious division in our polity. In this country every man and woman is at liberty to worship God as he or she chooses. Church and state are separated, and in all this land there has not been found success to any body of our people who sought to create divisions among us along lines of religion. It has been attempted, but the public opinion of the United States would not permit it, and every effort in a little time has fallen under the ban of that public opinion. There has been not much of protest from the Methodists, the Episcopalians, the Presbyterians, or the Catholics of the United States against the policy pursued in the Philippines; and all I cared to note was this—and I did not for one moment think the Senator intended it—that it is very harmful, as I think it entirely unfounded, to send forth from this Chamber to the people of the Philippine Archipelago the suggestion that the Christian sects of the United States care less for their safety, care less for their liberty, care less for their rights because they are Catholics. There is no such prejudice.

Mr. PATTERSON. Just one word, lest there may be some misunderstanding. I am not myself a Catholic.

Mr. SPOONER. I do not care for that.

Mr. PATTERSON. I and mine, so far as they go back, have been members of an orthodox Protestant church.

Mr. SPOONER. I do not care for that.

The Senator from Maryland [Mr. WELLINGTON] said the other day, and that is true, that the Philippine problem is one of the fruits of the war with Spain. He said that the war with Spain was unnecessary; that we could have averted that war. I have no doubt he thinks so. I do not think so. I spend but a moment upon that topic. No man charged with public duty was ever in the world more reluctant to engage his country in a war than was President McKinley. He waited and waited and waited and waited, Mr. President, and negotiated, sometimes amid taunt and insult and charges impeaching his motives, to exhaust the resources of diplomacy in order to avert a war with Spain. I thought once that but for the destruction of the *Maine* it might have been averted. I do not now believe it. It came. That fact never can be recalled. It is useless to discuss it. It was carried forward, on land and sea, to successful issue, and out of it resulted the treaty of Paris.

Some Senators seem now to take a very different view of the treaty of Paris from that which operated upon them when it was pending in this Chamber. It was ratified, Mr. President. That can not be recalled. The Senator from Maryland voted to ratify it. That can not be recalled.

Mr. WELLINGTON. I agree with the Senator from Wisconsin, if he will permit me.

Mr. SPOONER. Certainly.

Mr. WELLINGTON. I rarely ever interrupt, and I do not like to interrupt him now. I agree with him that it can not be recalled. And I go further. I would give very much, I would to-day give ten years of my life to recall the vote that I gave upon the ratification of that treaty. I want to go further and say again, as I have said before, that the promises which were made to me upon that occasion were broken by the Administration, and if I could now recall my vote I would do so.

Mr. SPOONER. The Senator from Maryland was sent by his great Commonwealth to represent her in part in this Chamber. The function of a Senator in advising and consenting to the ratification of a treaty is independent, under the Constitution, of the Executive who negotiates it. Whether the Senator from Maryland may properly resort to conversations with one who no longer lives to give his version is for that Senator to decide.

Mr. WELLINGTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. WELLINGTON. I merely desire to state that I now say nothing of the late President of the United States that I did not say when he was living. I make no accusations against the dead that I would not make if he were living and in the Presidential office to-day.

Mr. SPOONER. Mr. President, the Senator from Maryland must have known that when territory is acquired by the United States, there is but one power under our Constitution which can define the public policy in regard to it, which can dispose of it either absolutely or qualifiedly, and that is the Congress of the United States.

Mr. WELLINGTON. Mr. President, once more. I shall not interrupt the Senator again. If he contends that that is the doctrine, that territory once acquired can not be given away or alienated by any other power than the Congress of the United States, how does it come that a part of our northern possessions, without any action of Congress, without any treaty, was alienated to England by the *modus vivendi*?

Mr. SPOONER. It was not. That is the way it comes.

Mr. WELLINGTON. It was not?

Mr. SPOONER. No; it was not.

Mr. WELLINGTON. Does not England hold it to-day?

Mr. SPOONER. That is a temporary arrangement—a *modus vivendi*.

Mr. WELLINGTON. Yes; but England holds it to-day.

Mr. SPOONER. But my proposition was this: That the Senator knew, or if he did not know he ought to have known, that the Congress alone is authorized to dispose of territory of the United States, or in an instance the President and the Senate, perhaps.

Mr. WELLINGTON. I knew, or thought I knew that, though the events which have transpired since then have changed my opinion. But the fact remains, nevertheless, that American territory has been alienated—that American citizens have been given up to the tender mercies of the British constabulary up in that part of territory which had never been claimed by England until it came into the possession of the United States of America.

Mr. SPOONER. The Senator knows that it has not been alienated; that it was absolutely impossible by any such method to alienate it; and he knows further that the President of the United States has no power to alienate territory of the United States, and that a promise that he would, or that he would control a policy as to the alienation of territory, would be usurpatory and the outgrowth of mere ignorance.

Mr. WELLINGTON. Will the Senator allow me? Unquestionably that is the law, but the events which have occurred since the beginning of the Spanish war have brought about an entire reversal of the policy which existed previous to that time, and the Executive to-day seems to rule not only the Executive Department, but whatever be the opinions of the House of Representatives, by some influence, when the time comes, they reverse themselves, and it has been done in the Senate also; so there remains nothing in the United States of America concerning any question of this kind, except the will of the Executive.

Mr. FAIRBANKS. Will the Senator from Wisconsin allow me for a moment?

Mr. SPOONER. Certainly.

Mr. FAIRBANKS. I wish to state that I am somewhat familiar with the subject to which the Senator from Maryland refers, and that the Senator from Wisconsin is absolutely correct in his statement. There was a zone of disputed territory in the district of Alaska, and in order to avoid conflict between American miners and British miners a temporary line between the two countries was agreed upon. It was but temporary. There was no suggestion or thought that it should be permanent.

Mr. WELLINGTON. Mr. President—

Mr. SPOONER. I hope the Senator from Maryland will allow me to proceed. That is a collateral matter anyway.

Mr. WELLINGTON. Mr. President—

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. WELLINGTON. Do I understand that the Senator from Wisconsin declines to yield?

Mr. SPOONER. If the Senator wishes—

Mr. WELLINGTON. I wish to ask the Senator from Indiana a question.

Mr. SPOONER. Very well.

The PRESIDENT pro tempore. The Senator from Wisconsin yields to the Senator from Maryland.

Mr. WELLINGTON. I do not wish to do anything that is discourteous—

Mr. SPOONER. I know that.

Mr. WELLINGTON. Especially not so far as concerns the Senator from Wisconsin. But I desire to ask the Senator from Indiana whether or not it is true that the boundary line in dispute came into dispute after the United States of America became possessed of Alaska by the purchase from Russia, and whether the stones marking the line had not been set there and been there for almost a century, and England had not made any claim of sovereignty whatever, but that by this *modus vivendi*, by this secret transaction, we, the American people, by our Administration, surrendered the right, gave up those lines of demarcation as they were set by the stones for a century, and surrendered our people to the British constabulary?

Mr. SPOONER. If this were a court, I should move to strike that out as being irrelevant.

Mr. WELLINGTON. I desire to say to the Senator from Wisconsin that he would have to move to strike out half of the proceedings of the Senate if the rule as to irrelevancy prevailed here.

Mr. FAIRBANKS. Just a word. The Senator from Maryland is utterly and absolutely mistaken as to the situation in Alaska. There never have been any stone monuments erected, recently or remotely. There has been a popular report to the effect that stone monuments have been erected, but the boundary line never has been surveyed and no monuments have ever been erected. If the Senator from Maryland is as much in error as to the Philippines as he is with respect to the condition in Alaska, he is far away from the truth.

Mr. SPOONER. I think he is.

Mr. WELLINGTON. Mr. President—

Mr. SPOONER. If the Senator will allow me to proceed, I want to get through—

Mr. WELLINGTON. I will allow the Senator to proceed in one moment.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. WELLINGTON. I will have an opportunity at some time to vindicate my position.

Mr. SPOONER. Certainly. Now, Mr. President—

Mr. WELLINGTON. I can not be shut off in that way.

Mr. SPOONER. When this treaty was sent to the Senate the question was presented whether we would accept a cession of the Philippine Archipelago or reject it. It was entirely in the power of the United States Senate to do either the one or the other. And when we voted upon the treaty, let it be not forgotten, that our troops were involved in battle with the troops of Aguinaldo, and with the Senate put upon notice that war was involved possibly out of this transaction, the Senate voted upon the treaty. It was carried by a single vote; but, Mr. President, the truth of history is that it could not have been carried without Democratic votes, and that the distinguished leader of the Democracy of that day, if not of this, came here and labored with those of his faith to vote for the treaty, to vote to take that responsibility upon the country, and I believe it will be admitted that but for his interposition that treaty would not have been ratified in the form in which it was ratified.

Upon the consideration of that treaty every phase of this question which has since been mooted, except possibly one, was presented to the Senate and voted upon. There were Senators in this body who thought that we should amend the treaty so as to deal with the Philippines as under the treaty we were to deal with Cuba. The Senator from Missouri [Mr. Vest], a veteran in the public service, one of the most brilliant men I have ever known, offered an amendment to the treaty to strike out in the article ceding the Philippine Archipelago the words "cedes to the United States" and insert in lieu thereof "relinquishes all claim of sovereignty over and title to the Philippine Archipelago," and to amend further as follows:

Add at the end of Article III the following:

"The United States, desiring that the people of the archipelago shall be enabled to establish a form of free government suitable to their condition, and securing the rights of life, liberty, and property, and the preservation

of order and equal rights therein, assumes for the time being and to the end aforesaid the control of the archipelago so far as such control shall be needed for the purposes above stated, and will provide that the privileges accorded to Spain by Article IV and V of this treaty shall be enjoyed."

In line 2 of Article VIII, after the word "Cuba," insert the words "and in the Philippine Archipelago."

In line 3 of the same article, after the word "Indies," insert "and."

In lines 3 and 4 of the same article strike out the words "and in the Philippine Archipelago."

In Article IX strike out lines 171, 172, 173.

In line 2 of Article XIII, after the word "Cuba," insert the words "the Philippines."

In line 3 of the same article strike out the words "the Philippines."

How many times have we heard, Mr. President, from the Democratic rostrum since that day a demand that the Philippines should be treated as we agreed to treat Cuba? A vote was taken upon that precise question, upon the amendments offered by the Senator from Missouri—yeas 30, nays 53, as follows:

The proposed amendments were considered together; and

Those who voted in the affirmative are:

Messrs. Bacon, Bate, Berry, Caffrey, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Kenney, McLaurin, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

Those who voted in the negative are:

Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Kyle, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I did vote against it, Mr. President. I had stated at least twice in open Senate and repeatedly in executive session that I was for applying the same rule to the Philippine Islands that we were to apply to Cuba. I did not then think it was necessary to put any pledges in that treaty. I knew to do so would continue technically the state of war for several months, and I was assured by the Senator from Wisconsin and all of his associates that we would certainly do the just and righteous thing by those people when the treaty was ratified. I am waiting, Mr. President, to see them keep that pledge and make it good.

Mr. SPOONER. Did the Senator vote against the Vest amendment upon any promise of mine as to what the future policy of the Government would be in the Philippines?

Mr. TELLER. Oh, no, Mr. President; I voted against the Vest amendment on the ground that it was not good law, and I say now it was not good law.

Mr. SPOONER. I think I have heard the Senator say since that we ought to treat the Philippines as we treated Cuba.

Mr. TELLER. Mr. President, if the Senator will allow me—

Mr. SPOONER. Certainly.

Mr. TELLER. I still insist that both our interest and our duty require us to do that.

Mr. SPOONER. The Senator had views upon this question before the treaty was sent to the Senate. A gentleman has sent me a copy of a speech made by the Senator before the Silver Republican State convention at Colorado Springs September 8, 1898, in which he took occasion to deal with this subject. Whether it is accurate or not of course I do not know.

Mr. TELLER. The Senator can read it, and I can tell him.

Mr. SPOONER. Of course I do not undertake to say that it is accurate, but it was in harmony with the views which I understood the Senator to entertain when we voted upon the treaty. The Senator in that speech said:

The greater question is, What shall we do with the Asiatic Islands? We did not contemplate that when the war began. I have found that there had been a worse condition for two hundred years in the Philippine Islands than there had been in Cuba; that there had been the wickedest government that ever afflicted the human race.

Now, you can not return the islands to Spain. I said in the Senate that any party that proposed that would go out of power and remain out for a generation. It is too cowardly. It is too wicked. You can not do it.

Then, what are we going to do with them? Are we going to peddle them out? Are we going to say to the countries of the world: "We are incapable of maintaining colonies; we doubt our ability to maintain good government there. Will you take them and see what you can do with them?" Do you think we will ever say that? They are on our hands.

Mr. TELLER. Did the Senator say "peddle them out?"

Mr. SPOONER. "Peddle them out." It appears here as I read it.

Mr. TELLER. I have not any doubt but that it is accurate. It is practically what I said in the Senate. The Senator can find in my speeches in the Senate almost verbatim what I said there.

Mr. SPOONER. Yes.

There is an obligation upon us. That obligation is to see that those people have a good government, and if they are capable of participating in it to take them in and give them the rights that we enjoyed here when we were denied some of the rights of American citizenship. Make Territories out of them. We need not make States of them. If they should ever become affiliated

with us and so assimilated with us that we can make States of them, we will make States of them.

You can depend upon the American people to do the right thing at the right time. You need not be afraid that we will take them in before they are ready or that we will keep them out after they are ready to come in.

I believe, myself, that we have reached the point in American history when the American Union is to take its place among the great nations of the world, and I do not believe that, as a nation, we can escape the responsibility that God puts upon us as a great nation any more than I can escape the responsibility that is put upon me as a man. We are to be as a great family of the nations of the world.

These islands are in the line of the great commerce of the world. They are worth millions to us.

I never thought of that. In dealing with the Philippine question I never thought of trade. I was surprised when I read this speech, remembering the speech which the Senator delivered here a few days ago, that the value of those islands to us in dollars had ever entered into his consideration, and that we could hold them without any disadvantage to us.

Mr. TELLER. I will just enter a denial of that. I did not say in my speech that that never had entered into my calculations.

Mr. SPOONER. No; I did not say that you did.

Mr. TELLER. You say that I said so there?

Mr. SPOONER. Oh, no. Do you say that this was not in your speech?

Mr. TELLER. No. Did you say that I said the other day in my speech the idea of the commercial value of the islands had never entered into my mind?

Mr. SPOONER. No; because you said they would never be of commercial value.

Mr. TELLER. I said under the conditions now existing, with their hostility, they never could be of any value.

Mr. SPOONER. Of course they could not be of any value if they are to always be in insurrection.

Mr. TELLER. When the Senator finishes the reading, I will tell him if there are any errors in there.

Mr. SPOONER. I would not do the Senator any injustice. This is in harmony with what I thought was the Senator's position at the time.

Mr. TELLER. Go on with the reading.

Mr. SPOONER (reading)—

and we can hold them without any disadvantage to us. We can hold them so they will be a glory to us and a glory to the people over whom we extend our flag and our republican institutions. I am one of those who believe that a republic is better than a monarchy. I believe the voice of 100,000,000 of men is better than the voice of one, and I have faith in the American people, in their intelligence, in their integrity, in their ability, and I am willing to trust these great problems to them—

The Senator has changed. He was willing then to trust these great problems to the American people. To-day he seems not to be—

and I say we shall make no mistake if we say to them, "We have put our flag here, we have buried our dead, and by the Eternal the flag shall stay while the Union lives."

That is all.

Mr. TELLER. Mr. President, if the Senator had taken the pains to read the speech that I made on the 20th day of December, 1898, he would have found that I repeated practically that in the Senate.

Now, the Senator says that I am not willing to trust the American people. I am willing to trust them. I am not willing to trust them as represented by the present organization of political parties. I have never changed my views on this question. I voted for the treaty. In executive session and in open session I declared that we could trust the American people to deal righteously with those people. They were then asking us to grant a protectorate over them.

I said, and I repeated it, and I am not afraid now to say it, there is no trouble, legally or otherwise, in my judgment, in the American people maintaining a colony. The question is, How shall you maintain it? What shall be the rights of the colonists? If you had given to them, as I said there, what they had given us—a Territorial government—and, Mr. President, if you had done that in 1898, we would not have had any war.

If the Senator desires to question my attitude now, he had better turn to the RECORD, and he had better turn to his own record when he encouraged us, who were told by his associates on the other side of the Chamber that you could trust the Republican party to do justice. We said you could. Mr. President, I thought you could. I believe eventually you will yet. I believe the American people will eventually see that justice is done to those people.

I do not say, Mr. President, that any injustice would have been done to them by maintaining our flag there if they wanted it there, which they did want and which they professed to want when I made those speeches, and which they would want now if we would give them such a government as we ought to give them.

Mr. SPOONER. It is a strange thing, but it is a fact almost universally true, that the moment a man leaves a political party with which he has long been associated he discovers that it is utterly bad.

Mr. CARMACK. After he discovers it is utterly bad, then he leaves it.

Mr. SPOONER. Well, if he remains in it until it is utterly bad he is as bad as it, and would not save himself by leaving it. I do not mean to apply this to the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I ask the Senator to allow me to interrupt him long enough to say that I will not enter into any discussion of the propriety of my leaving the Republican party. I left it because I differed with its members on great economic questions. Up to that time I had no reason to suppose that upon great questions affecting the rights of mankind, and affecting the interests of all the American people and 10,000,000 of other people, I should be divergent from their views.

Mr. SPOONER. I understand that the Senator left the party because of his difference in regard to the money question, and I was very sorry to have him leave, for one, for I have always had great admiration for his ability and great friendship for him personally, as I always expect to have.

Mr. President, I have shown that there was a vote *in limine* in the Senate, participated in by my friend from Colorado, against amending this treaty so that the United States should sustain the same relation to the Philippines that we sustained by the treaty to Cuba. The vote to ratify the treaty without amendment was 57 to 27, as follows:

Those who voted in the affirmative are:  
Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Jones of Nevada, Kenney, Kyle, Lindsay, Lodge, McBride, McEnery, McLaurin, McMillan, Mantle, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Those who voted in the negative are:  
Messrs. Bacon, Bate, Berry, Caffery, Chilton, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Mallory, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

The pairs were as follows:  
Mr. Cannon and Mr. Proctor with Mr. White.  
Mr. Wetmore and Mr. Wilson with Mr. Turpie.

And at that time, Mr. President, those people, if they ever have been, were protesting, not orally simply, but with guns in their hands and by attack upon our troops against American sovereignty in those islands.

Mr. TELLER. Mr. President, may I interrupt the Senator again?

Mr. SPOONER. Certainly.

Mr. TELLER. It is true the telegraph had brought us a statement of some trouble. We did not know what that trouble was, and naturally, I think, it aroused the American spirit. I do not myself think that there was any inconsistency in a man who wanted to apply the principles which I had declared I wanted to apply to the Philippines in voting for the treaty. I wanted to take them away from Spain. I wanted them where the American nation could deal with them of right, which it could do; and I had every right to suppose, not only from the past history of this country, but from the pledges made here that there would be no trouble at all such as we have since found.

Mr. SPOONER. Mr. President, that is not all of the record. The Senator from Louisiana [Mr. MCENERY] introduced the following resolution:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

To that the Senator from Massachusetts [Mr. HOAR], who has been consistent, offered this amendment:

On motion by Mr. HOAR to amend the resolution by inserting after the word "islands," where it appears the third time, the words "with the consent of the people thereof."

And that was voted upon; a proposition to declare then the policy of the United States, the treaty having been ratified, as to the future of the Philippine Archipelago.

Mr. ALDRICH moved to lay that amendment upon the table. This was the 6th of February. The votes in favor of laying it upon the table were 45; those against 34, as follows:

Those who voted in the affirmative are:  
Messrs. Aldrich, Allison, Baker, Burrows, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Hawley, Kenney, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Teller, Thurston, Warren, Wolcott.

Those who voted in the negative are:  
Messrs. Allen, Bacon, Bate, Berry, Butler, Caffery, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Ne-

vada, McLaurin, Martin, Mason, Mills, Mitchell, Money, Murphy, Perkins, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, Vest, Wellington.  
So the amendment was laid on the table.

There was the precise proposition proposed by the Senator from Massachusetts, whether we should say by declaration, hostilities just having begun, that it was our purpose to establish in said islands, "with the consent of the people thereof," a government, and there is the vote. That amendment was laid on the table. That is not all, either.

The Senator from Massachusetts [Mr. HOAR] offered another amendment, which was to insert, after the words "United States" where they appear the second time, the words "or to force a government on them against their will." The country will see that all this was presented to the Senate in that hour, and here is the vote upon it. Although some of the Senators who voted upon it have changed, the record has not changed, nor can it change, and the responsibility for all that has occurred, Mr. President, as it will appear, is easily located, and out of that, I think, grows a duty.

Mr. ALDRICH moved to lay that amendment on the table, and it was laid on the table—yeas 46, nays 30. The vote was as follows:

Those who voted in the affirmative are:  
Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Hawley, Kenney, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Simon, Spooner, Stewart, Teller, Thurston, Warren, Wolcott.

Those who voted in the negative are:  
Messrs. Bacon, Bate, Berry, Caffery, Clay, Cockrell, Gorman, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, McLaurin, Martin, Mason, Mills, Mitchell, Money, Murphy, Perkins, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, Vest, Wellington.  
So the amendment was laid on the table.

If there ever was a time, Mr. President, when that declaration would have brought peace and made peace in the Philippines, it was then, before even an exchange of ratifications. But it could not have done it, in my opinion.

That was not all, either. The Senator from Georgia [Mr. BACON], with whom as to this matter I do not entirely agree, but whose attitude from the beginning in this Chamber upon it has been different, in my judgment, from that of some members of his party, offered this amendment to the McEnery resolution:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

The Senate upon that was evenly divided.

Mr. BACON. What was the vote?

Mr. SPOONER. The vote was 29 to 29, as follows:

Those who voted in the affirmative are:  
Messrs. Bacon, Bate, Berry, Caffery, Chilton, Clay, Cockrell, Faulkner, Gorman, Gray, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Lindsay, McLaurin, Martin, Money, Murphy, Perkins, Pettigrew, Pettus, Quay, Rawlins, Smith, Tillman, Turner.

Those who voted in the negative are:  
Messrs. Allison, Burrows, Carter, Chandler, Deboe, Fairbanks, Frye, Gear, Hanna, Hawley, Kyle, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Platt of Connecticut, Platt of New York, Pritchard, Ross, Shoup, Simon, Stewart, Teller, Warren, Wolcott.

The Senate being evenly divided,  
The Vice-President voted in the negative.  
So the amendment was not agreed to.

Mr. LODGE. It was lost.

Mr. SPOONER. It was lost, I mean, by the casting vote of the Vice-President.

Mr. LODGE. It was lost any way.

Mr. SPOONER. Yes; it was lost.

Mr. HOAR. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. HOAR. I do not want to interrupt the Senator on some mere trifle, but nothing is ever lost in the Senate by the casting vote of the Vice-President.

Mr. SPOONER. That is true.

Mr. HOAR. It was lost because it had not the majority.

Mr. SPOONER. It was lost without his vote, and a little more lost with it.

The resolution proposed by Mr. MCENERY then passed by a vote of 26 to 22, as follows:

Those who voted in the affirmative are:  
Messrs. Allison, Burrows, Chandler, Deboe, Fairbanks, Faulkner, Frye, Gear, Gray, Hale, Hanna, Harris, Kyle, Lodge, McEnery, McLaurin, McMillan, Mantle, Mason, Nelson, Perkins, Pettus, Platt of New York, Quay, Sullivan, Teller.

Those who voted in the negative are:  
Messrs. Bacon, Bate, Caffery, Carter, Clay, Cockrell, Hawley, Hoar, Lindsay, McBride, Martin, Money, Morgan, Murphy, Pettigrew, Platt of Connecticut, Rawlins, Ross, Simon, Smith, Stewart, Warren.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I will yield, but I hope the Senator will not interrupt me long, for I am anxious to get through.

Mr. PATTERSON. It is not with anything that I will say. While the Senator from Wisconsin is arraying records, I want to call his attention to a statement made by himself on the 2d day of February, 1899, about four days before the ratification of the treaty, if the Senator will permit me to call attention to it.

Mr. SPOONER. Certainly.

Mr. PATTERSON. The Senator from Wisconsin then said:

I am a commercial expansionist. I believe in building up the trade of the United States. I am in favor of an interoceanic canal, not only for the purposes of national defense, but for its benefit to the trade of the future. I am in favor of acquiring naval stations all over the world where the interests of this Government would be subserved thereby—resting places for our commerce. I am in favor of lines of cable connection in every conceivable direction where they would promote the interests of the United States.

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work under labor conditions of necessity which we would not permit to exist in the United States.

Mr. SPOONER. Is the Senator going to read the whole speech?

Mr. PATTERSON. It will not do justice to the Senator unless I finish this important part of it.

The PRESIDING OFFICER. Does the Senator from Wisconsin decline to yield further?

Mr. SPOONER. Oh, no; I like that.

Mr. PATTERSON. The Senator from Wisconsin continued:

Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again. Where we raise it we will permit no other power on earth to haul it down, but with us it may be as honorable to haul it down as it was to raise it. It was hauled down in Mexico when hostilities ended there. If we had sent our fleet across the sea to the peninsula of Spain and captured Barcelona, raising our flag above it, it would not have been there to stay; we would have hauled it down. To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked Maine at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, non-assimilable peoples in order, through permanent dominion, to force our trade upon them seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world.

Mr. SPOONER. I know the Senator likes that, and so do I.

Mr. PATTERSON. I will read further from the Senator's speech. He continued as follows:

And we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

I think, Mr. President, the trade of the world will go where its interest leads it in the long run, and the best avant courier of civilization is a merchant ship, carrying the products of civilization and teaching the wants of civilization.

Permanent domain over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries of our people.

Mr. SPOONER. The Senator from Colorado—

Mr. PATTERSON. I just thought this might go into the RECORD at this time.

Mr. SPOONER. Of course it will go into the RECORD. The Senator from Colorado has not been here long, but he has been here long enough to acquire the very worst habit we have here.

Mr. President, I uttered here what the Senator has read, and more in the same line, which the Senator has not read.

Mr. PATTERSON. That is true.

Mr. SPOONER. And I have never changed in any way my attitude upon that subject. I stated in that speech that I was reluctant to vote for the ratification of the treaty for the reasons read by the Senator from Colorado and for other reasons; that if the ratification of the treaty involved permanent dominion over the Philippines by the United States, I should vote against it; but I undertook to show—and it was in good faith, and I am of the same opinion now—looking at the various alternatives which presented themselves to the President, that, in honor and humanity, there was none other than to take the cession of the Philippine Archipelago. I attempted to controvert the proposition that we could sustain the same relations to the Philippines in which the treaty left us as to Cuba. I pointed out that the situ-

ation was so utterly different, that we were near to Cuba, that it was a small island, with only about a million and a half inhabitants, that when Spain left Cuba she delivered to us the possession of Cuba; but that the Philippine Islands were 7,000 miles away, that the possession of the Philippines by our troops was limited to Manila, and that we could not contract with Spain to occupy that territory without having the title and the sovereignty, a proposition which, in my judgment, no man can successfully challenge. From that day to this I have not changed.

I have united with Senators on the Democratic side here in meeting every duty as the hour made it clear. When Dewey called for troops to occupy the city of Manila, no voice in this Chamber was heard in protest against it, although every Senator here knew Dewey needed no troops to defend his ships; that he had Manila under his guns; but, Mr. President, they knew that he wanted soldiers to occupy Manila.

Mr. TELLER. May I make a suggestion to the Senator?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I wish to suggest to the Senator that we were at flagrant war with Spain when we voted those supplies.

Mr. SPOONER. That is true. I agree with the Senator from Washington [Mr. TURNER] that our occupation of Manila was in violation of the protocol, although the officers were not aware of its existence, and that in fact we held Manila in trust for Spain, to abide the result of negotiations and to protect life, liberty, and property in Manila; but, Mr. President—

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I do not want to break into the thread of the Senator's argument.

Mr. SPOONER. I am breaking into it myself.

Mr. TELLER. The Senator from Wisconsin has read the votes here, particularly the votes against the amendment offered by the senior Senator from Massachusetts [Mr. HOAR] and the vote on the resolution in the form of an amendment offered by the Senator from Georgia [Mr. BACON]. That is done, Mr. President, to make it appear that we are inconsistent; that we did not believe in the principles of the BACON resolution.

Mr. SPOONER. Mr. President—

Mr. TELLER. If the Senator will allow me for but a moment longer; it is not of much consequence whether I have changed my views or not, but at that time I took the explicit pains to say that I was in favor of the principles of the resolution of the Senator from Georgia but was not willing to complicate things by putting it on the treaty. I think the Senator ought to allow me to make that statement at least. I can read it if there is any question regarding it. At the same time and on the same day I explicitly declared that under no conditions did I want to annex those people or have any permanent dominion over them; that I agreed with the Senator, that my judgment was the same as his, that the way to get control of the matter, so that we might do justice to ourselves and justice to the Philippine people, was to ratify that treaty. I could not see how we could deal with them unless we did ratify the treaty, and then, of course, the whole subject would have been under our command.

I wish merely to read a few words from what I then said. I shall read but a sentence. I had suggested that I should vote against some other amendments that might be proposed, which I understood were to be offered, but I was told that there were no amendments to be made except those pending.

I was about to state that I should probably vote against some amendments which might express my views very largely. What I rose to say is that I shall vote for the joint resolution. I do not mean by that to be committed absolutely to any policy if conditions, when we come to act on this question, as we must act in the course of a year or so, should be very different from what they are now or very different from what I hope they may be. I shall be governed, as I have a right to be, by the conditions and circumstances then presented. I shall regret very much if we can not carry out the principle of the joint resolution—

That is, the Cuban resolution—

And I declare for that, as I hope we may be able to do, and yet I shall not consider that I am inconsistent with that if conditions should require me to vote for a different plan of government or a different condition.

Mr. President, I spoke at some length on that occasion, but I have only read a few words of what I then said. I do not know but that it may be, and I suppose it is, a fair argument for the Senator to indulge in and charge us with inconsistency because we voted for the treaty which he voted for, and now, simply because we do not approve of the policy the Government has instituted since then, when it had no such policy at that time, and no man living had any reason to suppose that it would have.

Mr. SPOONER. Mr. President, what policy does the Senator refer to? What policy has been enforced except by the consent

of the Congress, and where has there been a party division in Congress? The President of the United States repeatedly notified Congress that, until Congress adopted some different policy as to the Philippines, he should consider it his sworn duty to employ the troops there to enforce the sovereignty and obedience to the authority of the United States, and to bring about peace.

Mr. President, twice we voted troops without party division. What for? To enable the President to send additional forces to the Philippines until, all in all, we had there at one time 71,000 men. What for? Did Congress act upon those bills in ignorance of the policy of the President as to the utilization of those troops? There was fighting in the Philippines; there was an inadequacy of the American military forces there, and the Congress of the United States—not upon a party division either—furnished the troops by one bill up to 100,000 men—65,000 regular troops and 35,000 volunteers—and they were furnished for use in the Philippines.

What did Senators who voted for the Army bill do it for? They knew the troops were to be sent to the Philippines. Did they suppose they were going upon a pleasure trip? Did they suppose they were going for a sea voyage? Did they suppose they were going simply to look over the beauty and the richness of the Philippines? Every man who voted to place those soldiers at the command of the President knew what they were for and knew they were to be sent to the Philippines to fight. To fight whom? The Spaniards? No. To fight the Filipinos; to fight the insurrectionists, and they were employed for that purpose. How can any man who voted to give the President troops to be used in the Philippines complain of their use in legitimate ways? If they have committed outrages; if they have sullied the flag; if they have been turned into a band of bashi bazonks, that is open to criticism; but no man who thus voted has a right to impeach the Republican party or to launch tirades upon the President for using troops in the Philippines and carrying on the war in the Philippines to the bitter end, not to subjugate an independent people but to enforce the sovereignty and authority of the United States in territory acquired by the United States by a treaty negotiated by the President and ratified by the Senate and completed by the payment of money—\$20,000,000—voted by both Houses of Congress.

Mr. TELLER. Will the Senator permit me to say a word?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I voted for that appropriation and I am going to vote for the next appropriation, and I stated the other day why I should vote for it. The party that is intrusted by the American people with the administration of public affairs have asked that, and in such a case I bow to the will of the American people so far that I will vote for what the Administration asks.

Mr. SPOONER. Ah, Mr. President, I think when the Senator voted to send troops to the Philippines to protect an inadequate force there, and to enforce the sovereignty of the United States in the Philippines, he did "bow to the will of the American people;" but no Senator who votes to send troops there can with any great consistency denounce the Government for using them. The Senator from Massachusetts [Mr. HOAR], who was opposed to the treaty, who was opposed to this whole business, differing from us, as he had a right to do, when that Army bill was before the Senate stated briefly the reasons why he could not on his conscience support it; but I know if the Senator had voted to send troops there to maintain our sovereignty, to enforce our authority there, if the troops had been properly employed—and they were sent there to fight—he would not have criticised either the Republican party or the Administration for using them for that purpose.

Mr. TELLER. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Well, yes.

Mr. TELLER. Does the Senator think, entertaining the views that we do, that we ought to have voted against the appropriation of money?

Mr. SPOONER. I do not say that.

Mr. TELLER. Then why does the Senator bring the accusation against us?

Mr. SPOONER. I do not say that, but I do say this, that if I had voted as a matter of patriotism, or because I believed the people demanded it, to give troops to the President to be sent to fight in the Philippines I never would complain because they were sent there, and I would not charge upon an Administration or upon a party bloodthirstiness, cruelty, conquest, for doing with the troops I had voted to raise what I knew would be done.

Mr. TELLER. Mr. President, will the Senator allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. We were in this condition: There was war; our troops were there; they went there rightfully; they went there when there was a state of war between the United States and Spain. The Administration asked us for an appropriation to maintain them. To have failed to have so voted—that is, if we had had the power to refuse the appropriation—the Army would have been left without food or supplies. I trust the Senator from Wisconsin can see the difference between failing to vote and simply reserving the right of criticism of the conduct of the Administration in a future time.

Mr. SPOONER. Oh, Mr. President, I admit the right of every man here, whether he voted for the troops or not, to criticize the conduct of the troops. All I say is this: I may be obtuse, but I can not see how a man who votes to send troops over there can complain because they fight after they reach there.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. I have been interrupted a great deal, but I do not want to deny the Senator.

Mr. CARMACK. I merely want to ask the Senator this question: If this country over his protest had entered into a war which he believed was an unjust and an unrighteous war, having entered into it, and the question came up of voting supplies for that war, would or would not the Senator vote to supply the troops who were in the field, although they were waging a war he believed to be an unjust and an unrighteous war?

Mr. SPOONER. I would say what I had to say when war was declared; but after the troops had taken the field, after a majority of the Congress, disagreeing with me, had voted for war, I would be for the war and for the Army to the end. I would not hover around the flank to carp and criticize and find fault and make false issues or aid in any way the men against whom the American soldiers were fighting.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield to the Senator from Tennessee?

Mr. SPOONER. I yield.

Mr. CARMACK. One of my questions was this: If the Senator believed and conceived such a condition existing, that the war was unjust and unrighteous, and that it was to the interest and to the honor of the United States that the war should be suspended, still, if the majority against him were for continuing the war, would he vote for supplies for that war so long as it continued, still reserving to himself the right to demand, to urge, and to insist that the United States ought to discontinue the war as soon as it could?

Mr. SPOONER. Are you urging that the war should stop now?

Mr. CARMACK. I am.

Mr. SPOONER. That is, if troops were in the field fighting our troops, that our troops should be withdrawn?

Mr. CARMACK. I think we should do the thing that would put an end to the war instantly. That is what I think; and we are criticising the Government because it does not do that thing.

Mr. SPOONER. Yes.

Mr. CARMACK. We do not ask that the troops be withdrawn.

Mr. SPOONER. Mr. President—

Mr. HOAR. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. I yield.

Mr. HOAR. As the Senator from Wisconsin has done me the honor to allude to me, I wish he would allow me to state my position, which he has undertaken to state. It will take only a minute or two.

Mr. SPOONER. Very well.

Mr. HOAR. Mr. President, I do not believe and never did believe there was a war in the Philippines. You can not have a war in this country that is not declared by an act of Congress. What is being done, and has been done, is the use of the troops of the United States by Executive authority to keep order in what is claimed to be a part of our lawful territory.

When long after this treaty was ratified and had gone into effect, this Army bill came up for consideration, and there was a proposition to give the President the power of making the Army flexible, between sixty-five or seventy-five thousand men and a hundred thousand, to increase it or diminish it at his pleasure; thereupon the Senator from Georgia [Mr. BACON], representing, I suppose, his party, in the hearing of a full Senate, without any dissent from any quarter on his side, notified the Senate that they would support any measure providing for troops for that emergency, however long it might last. He asked my colleague [Mr. LODGE], who had in charge—or, at any rate, who was one of the

leading advocates of the bill—whether he thought it would take one year, three years, or five years; and thereupon gave notice that they would accept his answer and would give the President troops for that length of time. The same question was put to the Senator from Ohio [Mr. FORAKER], I think, though I am not quite sure, or to some other Senator who had the floor on the Republican side, and to some Senator on the Appropriations Committee or the Military Committee. Three times that notice was given.

When we undertook to use the troops to suppress tumults in Louisiana and South Carolina, under the Chamberlain and Packard governments, the Democratic party refused to vote for the Army bill, and we did not have one, but at the next session—

Mr. TILLMAN. Mr. President—

Mr. HOAR. I am going to make this statement before I yield to anybody.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. HOAR. No; I am in the time of the Senator from Wisconsin, and I wish to complete this statement.

But when the next Congress came they put into the Army bill (and it was part of the condition) that the troops should not be used for what they regarded as an improper putting down of certain risings of those people. I do not say whether they were right or wrong.

They meant business then and they accomplished their business, and Packard and Chamberlain went out of power. I did not think they meant business when they said they would give troops to put down the resistance of the Philippine people under precisely similar circumstances. It was not war. It was putting down resistance, that is all, among a people subject, as they claim, to our sovereignty, and it was in regard to that that I did not mean to have my position misunderstood. I declared then, and I stand by that declaration now, that I would not vote for troops to put down the resistance of a people contending, and rightfully, for a republic they had established, though I was perfectly willing, as a peace measure, to give the President of the United States the power to make the Army flexible.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. TILLMAN. I do not want to disturb the Senator from Wisconsin, because I have sedulously avoided interrupting him to-day, and I expect to follow it. But I merely wish to correct the usually infallible Senator from Massachusetts. I mean infallible as far as his recollection of facts goes. The troops were used in South Carolina to uphold the Chamberlain government—

Mr. HOAR. That is what I say.

Mr. TILLMAN. There was a regiment of troops; but the Senator was in error in declaring that the Democrats in Congress prohibited that before they had been used. They were used there, and the use of troops at elections was such a crying evil that the Democratic majority, which came into the House with Mr. Hayes, put an amendment on the Army bill declaring that none of those troops should be used at elections.

Mr. HOAR. Yes; that they should not be used to sustain those governments.

Mr. TILLMAN. Those governments had tumbled to the ground and disappeared when that amendment was put on the Army bill.

Mr. HOAR. One point—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. HOAR. I have but a sentence of four words. Before that amendment was put on the Army bill the Democratic party in the previous Congress, having the House, had refused to pass any Army bill at all. That is my point.

Mr. SPOONER. I have been almost from the beginning diverted from the line of argument which I intended to pursue, and I am anxious to be permitted to proceed with my speech, although I am ready to answer questions.

I intend to speak later and in a more appropriate place upon the responsibility of the minority for what has happened over there in relation to the Army. I have been drawn into inopportune comment upon that by interruptions. One thing is certain, if anything is certain, that we have a perfect title to the Philippine Archipelago. Spain ceded it to us, and, rightly or wrongly, we have reduced it to possession, so that we have the sovereignty and we have the title. There is, in my opinion, Mr. President, no taint of perfidy or invalidity in that title. I know Senators on the other side and, one or two perhaps upon this side, differ from me about that.

It has been said—and I will spend only a moment upon it—that Aguinaldo had prior to that treaty established an independent government over the Philippines. It has been said that we promised him, when he came to Manila to cooperate with Admiral

Dewey, independence. The Senator from Washington [Mr. TURNER] claimed the former. The Senator from South Carolina [Mr. TILLMAN] and others claimed the latter. I do not intend to go into the evidence, but I do proclaim, without fear of successful contradiction, that there never were more baseless allegations.

It was charged that Consul Pratt promised him independence. Consul Pratt denied it in a cablegram to the Department. Afterwards it was published in Mr. Foreman's book that he had promised independence, and he filed a bill in the court at Hongkong or Singapore to restrain the publication of that book, swearing in his bill that it was false and a libel upon him as an official. The injunction was granted, and in every subsequent edition of the book the correction was made by a fly-leaf at the beginning of the book. It was charged that Wildman promised Aguinaldo independence. Wildman denied it. It was charged that Dewey promised Aguinaldo independence. Dewey denied it.

On a former occasion I put before the Senate a captured document showing the proceedings of the junta at Hongkong, signed by Aguinaldo and all of his compatriots—if they were such—which clearly established the fact not only that no such promise was made, but that he did not go to Manila with the understanding that he was to have, or any government he might form there, was to have independence. I will refer to the document for only a moment. They had a meeting to determine whether Aguinaldo should go. This was after he had seen the consul. He did not want to, and these were the proceedings, and it never ought to be forgotten by the American people.

Mr. TILLMAN. What is the date of it?

Mr. SPOONER. I can not give the date at this moment, but it was before he went to Manila.

Notwithstanding the previous remarks, the president (Aguinaldo) insists that he considers it dangerous for him to go to the Philippines without a previous written agreement with the Admiral, since it may happen that if he places himself at his orders he may make him sign or seal a document containing proposals highly prejudicial to the interests of the fatherland, from which may arise the following grave disadvantages:

First. \* \* \*

Second. \* \* \* These are the means, he thinks, which should be first employed to find out certainly what are the intentions of the United States in regard to that country. \* \* \*

They were there talking among themselves. If he had received any promise of independence from Admiral Dewey or from officials of the United States, I think he would have stated it to his conferees on that occasion. After other speeches this was said by Sandico:

The authority to treat, which the president thinks of giving to the other chiefs, without reflecting at all upon their personal deserts, they do not believe can be as effective as his personal attention to the matter, to such serious affairs as those which are the subject of discussion. There will be no better occasion than the present for the expeditionary forces to land on those islands and to arm themselves at the expense of the Americans and assure the attainment of our legitimate aspirations against those very people.

The Filipino people, unprovided with arms, will be the victim of the demands and exactions of the United States, but provided with arms will be able to oppose themselves to them and struggle for their independence, in which consists the true happiness of the Philippines.

After referring to the "prestige which he (Aguinaldo) acquired in the last rebellion," it proceeds:

Once the president in the Philippines, with his prestige he will be able to arouse those masses to combat the demands of the United States if they colonize that country, and will drive them, the Filipinos, if circumstances render it necessary, to a Titanic struggle for their independence, even if later they should succumb to the weight of the yoke of a new oppressor.

The minutes of that meeting—and they were all printed long ago by the Senate—are signed by Aguinaldo and every one of the junta in Hongkong, including Sandico and others who accompanied Aguinaldo to Manila. It is perfectly apparent from this statement that he went there without any pledge, at least he communicated none to his associates, and that the scheme was to obtain arms from Admiral Dewey, and then to use those arms against the United States if occasion required it. Under date 4th January, 1899, Mabini, president of the cabinet and chief adviser of Aguinaldo, wrote:

The chief of the Philippine people has not made any agreement with the Government of the United States, but inspired by the same idea of destroying the sovereignty of Spain in these islands they have mutually assisted each other.

That is not all, Mr. President. He reached Manila on the 20th of May. I read in the Senate, at the time I made the speech from which I read, a cipher letter from Aguinaldo—at least I contended it was from Aguinaldo—which the Senator from Washington attempts to sneer out of the RECORD.

General Anderson has stated, and you will find it in the records, that in July, shortly after he reached there, he suspected Aguinaldo of being in treaty with the Spaniards in Manila. I read—and I stop to call attention to it only for the purpose of making a single comment—a letter dated October 25, found among the captured records; and there are a great many papers among the captured records which throw a strong light on this and other phases of the Philippine insurrection. It is addressed to General Rios, in which Aguinaldo, if he wrote this letter, refers to a letter he

had written a few days after he reached Manila to General Augustin, in command of Manila, making a proposition to him to surrender Manila to him. I have no doubt it is the same proposition that was made in this letter to General Rios, in command of Iloilo, in which he calls upon him to surrender his troops to Aguinaldo instead of to us, in order that *they might be combined to be used against the forces of the United States.* This letter was signed "1-1-9-6-1-M." It is marked "private," headed "Revolutional government of the Philippines, office of the president." The army officers certify that it is written on the paper then in use in that office, and that "M" is the cipher for "Miong," which means Emilio.

The Senator from Washington discredits it. He asks why should he have written it in cipher? They greatly employ cipher. That is a characteristic of the Oriental. It is very patent among the papers which have been captured from them. Moreover, some one wrote it *from his office*, wrote it to an officer of the Spaniards, from whom he, Aguinaldo, above all other things just then, desired a surrender of Iloilo to him and not to us. The paper itself expresses the obvious desire of Aguinaldo. It is impossible to suppose that some clerk in the office wrote it. It is impossible to suppose that anyone other than Aguinaldo wrote it, and there is at the end of it this language, which strongly indicates that he wrote it; and all the army officers believe he wrote it:

This is all that I can say to you at present, and I hope that you will tell me that you agree with me, and then I shall be able to present this to my government and obtain from it an agreement to *what I have written as a private individual.*

This purports to have been written by a *public official* as an *unofficial act* to be followed, if agreed to, by official action.

Mr. President, it is perfectly evident that for a long time before the ratification of the treaty Aguinaldo contemplated an attack upon our Army. As far back as August 17, 1898, Mabini wrote a letter to Buencamino, in which, referring to us, he said:

The conflict is coming sooner or later and we will gain nothing by asking favors of them which in reality are our rights, but shall maintain them as long as we are able to, confiding in justice and Providence.

Moreover, I have among these papers a cablegram from London, from the head of the junta there, dated the 3d of February, in which he advises that probably the treaty will be ratified and suggests an attack upon the American troops "the moment the treaty is ratified." In addition to that, he suggests the purchase of some effective torpedoes, "which would serve to repeat in the Bay of Manila the scene in that of Habana, which would serve to give a fortunate termination to our struggle." Not only that, but I have here the order of Aguinaldo, signed on the 9th day of January, issued to the people of Manila *on the same day on which he was writing to General Otis, sending commissioners to treat for some arrangement to avert hostilities, expressing himself as deeming peace a necessity.* He wrote this order. I will not take the time to read it, because interruptions have caused me to consume already too much time, but it will be very interesting reading to the American people, and it shows beyond cavil that the hostilities which preceded immediately the ratification of the treaty were predetermined by Aguinaldo. For what purpose it is easy to imagine. But I can not go into all that. (See Appendix A.)

The Senator from Washington [Mr. TURNER] says that an insurrection was in progress when Aguinaldo left Hongkong. He had stated that he had surrendered all the rifles under the terms of the treaty of Biaknabato. He wrote to General Anderson that he came from Hongkong *to prevent his people from joining the Spaniards and attacking the Americans.* He was very depressed after he issued his proclamation declaring himself dictator, because so few of his people rallied around him. When they did in larger degree he moved along through the country taking Tagalog provinces. There is evidence, and abundance of it, that there was a strong sentiment in certain portions of the island against Aguinaldo's attempt to form a government and in favor of recognizing the sovereignty of the United States. A private letter from A. Sandico, found open in the papers of the insurgent government, says:

When the Americans came I was actuated by the love of the country to form clubs and committees to *combat the annexation sentiment in Manila.* At the given moment, moved by the desire of independence of the country, I do the same thing to *stem the current of desire for autonomy which comes from Manila.*

It is certain, that in a proclamation issued by Aguinaldo August 6, 1898, to foreign governments, he said:

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva Ecija, Tarlac, Pangasinan, Union, Infanta, Zambales, and it holds besieged the capital of Manila.

Professor Worcester says of this statement:

In other words, he claimed to control the Tagalog provinces, and practically nothing more.

The consolidated cash book of the insurgent government, showing the sums received as contributions of war and as war taxes

from various districts and provinces for the period from May 31, 1898, to February 28, 1899, shows that his tax collections and contributions were limited to provinces containing about three million and a half people out of the eight or ten million who inhabit the archipelago. His government evidently did not maintain law and order even where he was in control. Moreover, it has a double aspect. The external aspect was one thing, the internal another. He made a particular effort from the beginning to prevent outrages upon foreigners, and to give the inference from that of a well-ordered domestic sway. Cooperating with him were certainly some very able and skillful men, both at home and abroad. Under date Paris, June 23, 1899, Agoncillo cabled to the Hongkong junta:

\* \* \* Observe strictly international law as applying to public and to private rights, including its precepts covering persons and property of *neutral foreigners*, avoiding the slightest cause for complaint on their part, in order to avoid destroying the favorable aspect in which we are fortunately now regarded by them. I think it important that our government should *constantly* send to all our commanders circulars charging them to treat with respect the persons and property of foreigners (not Yankees), and ordering the most rigid observance of the laws of war, publishing such circulars in the vicinity and sending them to all the consuls in Manila, and to give for publication in the press everywhere.

And this admonition was literally and liberally obeyed.

I have among these papers a report to him from an Army officer as to three towns, in which he says "these towns must be reconquered. It can only be done by taking five lives in each town." That meant by assassinating five prominent men in each town.

Mr. HOAR. Will the Senator from Wisconsin pardon me?

Mr. SPOONER. Certainly.

Mr. HOAR. I hold in my hand General Anderson's statement on that precise subject, in which he says:

We held Manila and Cavite. The rest of the island was held not by the Spaniards, but by the Filipinos. On the other island the Spaniards were confined to two or three fortified towns.

That is General Anderson's statement, and he was the military commander of our troops.

Mr. SPOONER. That was General Anderson's opinion.

Mr. HOAR. He was commander in chief.

Mr. SPOONER. Most of the Spanish troops were then drawn into Manila.

Mr. HOAR. Yes.

Mr. SPOONER. And Aguinaldo, of course, with men who were armed, could take control of Luzon. But there never was a time, so far as I can ascertain, when the Ilocanos, some of the people in North Luzon, the Moros, the Igorrotes, and a large number of people of those islands, and part of the Visayans, ever acknowledged the jurisdiction of Aguinaldo.

Mr. HOAR. If the Senator was speaking about the distribution of power, I suppose when General Anderson says "held by the Filipinos" he means the inhabitants in general. He is not speaking of any particular authority. I should not have interrupted the Senator if I had understood that to be his meaning.

Mr. SPOONER. The truth is, and this paper shows it, that among the Ilocanos, in the north of Luzon, he collected \$1.50 a head. He did it by force. He did it against their protest, as is evidenced by the fact that in Cavite Province, in those provinces of Luzon where his retainers gathered around him, he collected but 5 cents a head. He did not have a government which at any time could preserve law and order or which did.

But the treatment by Aguinaldo's government of the people over whom by force in large part he maintained sway was very different, as I will show in a few moments. To say that there was a government in fact, in the sense of law, established by Aguinaldo in the few months intervening between our capture of Manila and the ratification of this treaty is absurd, in my judgment.

Yet on the 12th of June, 1898, he proclaimed the independence of the *inhabitants of the Philippine Archipelago.* Aguinaldo ought to know better than anyone else the extent of his alleged control August 6, 1898. He never proclaimed the independence of Luzon, nor did he ever assume to establish the Republic of Luzon. He always embraced the full archipelago.

It has been said, and I want to refer to it for a moment, that we had no power to acquire that sovereignty which we have acquired, and which the Supreme Court, in the opinion of Chief Justice Fuller, said we have acquired. He says:

We must decline to assume that the Government wishes thus to disparage the title of the United States or to place itself in the position of waging a war of conquest.

That was in answer to the contention that the situation in the Philippines in its legal relation to us differed from that of Porto Rico. The court say, and five judges concur in this opinion:

The sovereignty of Spain over the Philippines and possession under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her or that uncivilized tribes may have defied her will did not affect the validity of her title. She granted the islands to the United States, and the grantee, in accepting them, took nothing less than the whole grant.

If those in insurrection against Spain continued in insurrection against the United States the legal title and possession of the latter remained unaffected.

From the time the protocol was signed there was peace, or the suspension of hostilities, between us and the Government of Spain. We were in honor bound to employ no military force against the Spaniards or the subjects of Spain in the Philippines.

Aguinaldo was not our ally in the legal or moral sense of the word, because there was no Philippine political entity which could be an ally. He and his associates perhaps had been auxiliaries of ours. If he had been an ally of ours, he would have been bound by the protocol to abstain during that interregnum from operations against the Spanish Government.

After the treaty was entered into, the Spanish Government permitted the withdrawal of her troops from Iloilo, and Aguinaldo, with no one to oppose him, neither Spaniard nor American, for we were confined to Manila, sent armed men into the different provinces, took possession of the various towns, and attempted to bring them under his exactions. That that constituted the erection of an independent government which in law or in morals we ought to have recognized is as empty a contention as anything to which I have ever listened in my life.

Senators say that the Government of the United States, in accepting this sovereignty and this title, violated the Declaration of Independence. I deny it. To say that we could not take as indemnity at the end of war inhabited territory is to impeach the action of this Government hitherto when the Democratic party had control of it. We took California from Mexico. We did not consult the inhabitants. By purchase we took Louisiana. We did not consult the inhabitants. We took Hawaii. We did not consult the inhabitants. By a coup d'état a government had been formed there called a republic. It had adopted a constitution. That constitution prescribed the qualification and the oath. No native Hawaiian was permitted under that constitution to vote on its adoption unless he took the oath of allegiance to that Republic. That constitution contained a provision for ceding Hawaii to the United States. When the time came, a protest of native Hawaiians was filed here against that annexation, unless coupled with statehood.

When the resolution under which we annexed Hawaii was pending here, the Senator from Georgia [Mr. BACON], going behind the mere technical status and dealing with what he claimed to be the inalienable moral right, offered an amendment to provide a plebiscite which would give the natives there—the men who were born there, the people who loved that island, whose home it had been—a right to vote upon the question of annexation. That was voted down in the Senate and, without consultation with them, without any compliance with the condition which they sought to ingraft upon the proposition, they were annexed.

That is not all, Mr. President. I mentioned once before long ago in the Senate, in connection with this contention that we violated the Declaration of Independence, which we all love and venerate, that we by this same treaty took, without protest upon the part of anybody here, then or now, a million people who inhabit Porto Rico. We did not ask their consent. It is true they did not antagonize us with arms; but if there is anything at all in this doctrine it involves that they should not be taken without their consent being asked and obtained.

But, Mr. President, while it is true as an abstract proposition, true as a basis for revolution, that government derives its just powers from the consent of the governed, it has never been applied to the acquisition, so far as I remember, of inhabited territory at the end of a successful war. It has never found any place in the international law of the world, and the moment it does that moment (and for that reason it never has and never will, probably) the power of a government at the end of a successful war to demand and accept inhabited territory is gone. At the time the Declaration of Independence was adopted this was true, that never since the dawn of civilization had independent governments engaged in war consulted the people of the territory which they conquered or of territory which they demanded as indemnity for the expense of the war, any more than we did in the case of California. It is no answer to say that these populations were small. Fifty thousand people are entitled as much to protection in the enjoyment of rights conferred by the Almighty as 5,000,000.

Mr. President, it never was intended by the men who framed the Declaration of Independence that the Government of the United States should not possess all of the faculties which appertain to the independent governments of the earth. In their *Declaration* they said this:

We, therefore, the Representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent States; that they

are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

That is, may lawfully do. They intended to create a government the equal in governmental powers, not only at home, but in international relation, of any government that ever existed. It will be an unhappy day, I think, Mr. President, if this doctrine that a government at the end of a successful war can take no inhabited territory without the consent of the inhabitants shall be adopted.

One of the restraints which has operated upon governments against engaging in war was the fear of losing portions of their domain, and if it once be established in the world that no government can take territory as indemnity, if inhabited, unless the inhabitants consent to it, that moral restriction upon war will be eliminated.

I do not believe, Mr. President, that the people of the United States are willing to agree that this Government, when engaged in war, shall be less vigorous in power than the other governments of the earth. I have never feared war with Great Britain. It would be an unspeakable calamity for every reason. We want war with no country. We are wedded to the arts of peace and averse to war. But I have always thought, Mr. President, that a hostage for all the future for peace between us and Great Britain, whatever might come of disagreement, is the great domain over which Great Britain has sovereignty, extending from ocean to ocean. Do you think that the people of the United States would be willing to enter into an agreement that, if by any unhappy chance there should, some time in the distant future, come war between Great Britain and the United States, the end of that war would leave the British Possessions and Canada still the property of Great Britain? Is it to be supposed that the people of the United States would be willing to have it understood that in such an untoward event she would hold herself and her Government disabled by the Declaration of Independence to occupy and to keep the territory to the northward of us? I think not.

Now, Mr. President, Senators taunt us with the duration of hostilities in the Philippine Archipelago and infer from it that we can never bring pacification to those islands, and that the people there will never accept the sovereignty of the United States and enable us to establish a government there. The war, or I might better say, the hostilities, have lasted in the Philippines very much longer than any of us at the outset expected. All of us have regretted them. I never shall cease to regret that Aguinaldo did not heed the letter of General Otis, informing him that he had instructions not to attack his army, and appealing to him to wait until the treaty was ratified and until the Congress, which has the power under the Constitution, could define the policy which was to be pursued toward the Philippine Archipelago. But he would not wait, and the war—because it was war in the end, not in the technical sense—came upon us.

It does not lie, I think, in the mouths of Democratic Senators here to charge upon the Republican party responsibility for the duration of hostilities in the Philippines. I stand here to say, Mr. President—I say it regretfully, I say it with no spirit of unkindness in my heart—that in the main, in my judgment, the responsibility for the duration of this struggle in the Philippine Archipelago is upon the minority party in this country.

There never was, in my judgment, a wickeder thing than the prostitution of that situation to party purposes. Right or wrong, we had acquired the Philippine Archipelago. We had furnished an Army to the President. He had informed us that he would employ that Army to enforce the sovereignty of the United States and obedience to its authority in that archipelago. Then there was projected for party purposes a false and malign political issue in the United States, which did not fail and could not fail to prolong the insurrection at a great cost to the people of the United States not only in dollars, but in lives.

Had there been any proposition made in Congress which rendered it a necessity to make that issue? Had there been any proposition made in Congress leading to what was called imperialism? That matter had been held open, as it is open to-day. No action had been proposed which was to tie the hands of the American Congress and shackle the American people.

And yet Mr. Bryan, an extraordinarily brilliant man, of wonderful personal magnetism, the leader of his party, proceeded, with his associates, to make the political issue of "imperialism," assuming that the Republican party, its Administration, led by President McKinley, would, unless prevented by this issue, commit this Government to colonialism or imperialism.

I say it was a fictitious issue.

From that time out, Mr. President, we heard about the American Government buying people at so much a head; of purchasing mere sovereignty. The United States acquired by that treaty

73,000,000 acres of land in the Philippine Archipelago, 5,000,000 acres only in private ownership, 68,000,000 acres the title to which was in Spain, and passed to us by the cession.

We heard everywhere of our attempted enslavement of the Filipinos, of our violation of the Declaration of Independence, of our attempt to adopt the tyranny and oppression of monarchical governments of the Old World. The changes were rung upon it from one end of the country to the other, from the beginning to the end.

There could be but one effect of it. It was the same, I have always thought, as the effect of the opposition to President Lincoln in his effort to maintain the integrity of the Federal Union. It tended to raise false hopes in those who struggled against the Federal forces. It encouraged a prolongation of insurrection. It made them think that a prolongation of their struggle, followed by the election of Mr. Bryan, meant independence. I can not tell, no one can tell, how long ago but for that the Philippines might have been pacified. We can not know how many millions of dollars and how many lives this unfortunate attitude cost the country, but that it cost many millions and many lives is certainly true.

That was not only the natural effect, Mr. President; it was the actual effect, and there is abundant evidence of it. I have some captured documents from there.

Here is a letter, dated Paris, June 23, 1899, from Agoncillo, the Filipino who was at the Arlington Hotel in this city as the representative of Aguinaldo when hostilities broke out—that is, he was there the day before—but when we learned of the hostilities he had learned before they occurred and betaken himself to Canada. This gentleman says:

Foment the actions of the Democratic party in the United States, which defends our independence. I am doing this in every way it seems fitting to me.

Here is the translation of a cablegram, sent in cipher, received from Paris on August 31, 1899. I read but a line of it:

Triumph of Bryan for the Presidency is triumph of our cause.

Mr. ALLISON. Where was that sent?

Mr. SPOONER. That was sent out to the junta at Hongkong. I have here an extract from a letter of Aguinaldo, on the 2d of August, 1900, to Isidoro Torres, an insurgent general:

Can you perchance tolerate the sale of our liberty and independence for thirty cheap pieces of silver, which is what is offered by the famous and deceitful amnesty of General MacArthur. [Note.—This undoubtedly relates to the money paid for arms, paid and turned over by the insurgents.] And do you know, perchance, what is the true motive of that publication, when it is nothing but the desire of McKinley's Government to stop this war until October next and to be able to show to the whole world, especially to the honorable people of the United States, that we are already pacified or subjugated, and thus to insure the reelection of President McKinley? Understand it well that the end of October is the time allowed the present government by those honorable people of North America to finish this war, and if it does not accomplish it the said Government or imperialistic party will be defeated and then will come the recognition of our independence.

Here is a copy of a letter or order from Aguinaldo to Lieutenant-Colonel Bubb, June 27, 1900:

Philippine republic—Filipino army—General campaign—No. 22.

As I have in previous letters directed that all commanders of guerrillas are free to attack any detachment or post of the enemy and continually molest the same, I reiterate the order the more strongly because its fulfillment just now is very necessary—

Just now—

for the advantage of the cause of independence of the Philippines in the approaching Presidential election in the United States of America, which takes place in the early part of the coming month of September of the present year, on account of which it is imperative that before that day comes—that is to say, during the months of June, July, and August—we give such hard knocks to the Americans that they will resort in our favor in all parts and set in motion the fall of the imperialist party, which is trying to enslave us.

General Mascardo issued a proclamation to his comrades in arms and fellow-patriots, in which, after referring to the war in China, and to the refusal of Congress to appropriate money needed to continue the war in the Philippines, and of the people to give new volunteers, he said:

McKinley falls by the wayside. The people abandon him and incline to the political party of Mr. Bryan, whose fundamental teachings is the recognition of our independence. In view of this critical situation of McKinley, he has sent here a Commission with the infamous purpose of deceiving us with false offerings, solely to get out of us the greatest possible advantages, as a trader does to obtain the greatest returns. If we accept these offerings and peace is declared in the archipelago, McKinley will triumph—will be re-elected—and his reelection will be the hour of our undoing and terrible misfortune. If, then, we desire our independence, let us for a little while longer put forth heroic deeds of arms, etc.

They had been told from so many rostrums that we were trying to enslave them, to syndicate their islands, and to perpetrate every conceivable outrage upon them that they were ready perhaps to believe it. At any rate, they were led to believe that if they would only hold out until October Mr. Bryan could be elected and they would receive their independence—the strongest possible motive to induce them to continue. It is no wonder that Aguinaldo told his men to redouble their hostilities,

to shoot down more American soldiers, to ambush more of our boys over there.

That was not intended, of course, and I have never charged that upon any of our friends here at home, although there were men here who sent letters over there encouraging the Filipinos and denouncing our attempt to bring about peace as piracy; but it was the blind greed for political power which made good men forget for the nonce the safety of the Army and the interest of the people; for, Mr. President, this thing is true: That when our soldiers are at the front facing a foe, no matter where or who, they are there not because they choose, but they are there under orders, and every patriotic impulse of good citizenship demands, I think that people and parties shall withhold a course of action which subjects them to added danger, and which brings distress to them in proportion as it gives encouragement to the enemy. This question of imperialism was not here then; it is not here now, and it is not to be here, Mr. President, I think.

It has been said by the Senator from Colorado that 95 per cent of the Filipinos are hostile to the United States.

Mr. TELLER. And I am afraid that is true.

Mr. SPOONER. I know the Senator was sincere in what he said, but I am not afraid it is true, I do not believe it is true. I know this to be a fact from the records which I have here: That in the beginning there was a large element among the Tagalos in favor of accepting the sovereignty of the United States, and the congress of the first government of Aguinaldo—such as it was, although they were appointed by him and not chosen by the people whom they claimed to represent—declared in favor of accepting the autonomy offered by the Schurman Commission. They were overruled by what was called the war party; but I find—and there is overwhelming evidence of it—that, as military operations proceeded there were in different parts of the islands strong declarations in favor of accepting American sovereignty. Aguinaldo, when the Taft Commission went there, sent by the President, felt obliged to issue an appeal urging the people of the archipelago not to accept the proffers of self-government made by the Taft Commission, and that alone was not adequate to hold his forces together. Other officials did the same. Why these appeals if there was no sentiment for peace and American sovereignty? Appeals were not sufficient, and then came orders of the harshest kind, involving deeds of cruelty and a system of terrorism.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes, sir.

Mr. CARMACK. I should like to ask the Senator from Wisconsin what he says to the statement of General MacArthur that the opposition of the people of the Philippine Islands to the United States was practically unanimous, and could not be accounted for on the ground of terrorism; and what does the Senator further say in reply to the statement of the three native members of the Philippine Commission, that the whole people were practically unanimous in their hostility to the American Government, and that they continued to be so after their armies were dispersed and when all hope of success in battle had been abandoned?

Mr. SPOONER. Well, Mr. President, I find among my papers a letter from Teodoro Sandico, saying that it was impossible for him to hold certain military organizations together and to prevent them from accepting the sovereignty of the United States. I have here some papers from which I will read this order, which was issued in September, 1900:

[Center of central Luzon, general order of September, 1900.]

In conformity with my general order of last July, in which all were declared to be traitors who should favor or accept positions from the pretended American civil government, and taking into account the fact that to be a voter or to be elected it is required that the oath of allegiance to the United States be taken, by doing which everyone makes himself an American subject de facto; and considering that the laws of war allow the confiscation of the property of traitors and that the precedent has been established by the army of occupation to confiscate for its own use the goods of some Filipino subjects, even though they may not have taken up arms against them,

Using the powers conferred upon me, I order and command:

First. Whosoever holding an official position or may have contributed materially to the establishment of the pretended American civil government in the territory of my command upon being caught shall be punished either by a fine of not less than \$100 or by death, according to circumstances, after summary trial, such crime being the more aggravated when committed by the intelligent. \* \* \*

Why was that order issued if there was not a sentiment there among the people in favor of accepting the sovereignty and the government proffered by the Taft Commission?

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes.

Mr. CARMACK. General MacArthur in his report says that, to some extent, that sentiment might be accounted for by terrorism, but that it was perfectly evident—I give the substance of the

statement only—it was perfectly evident that the whole people, or a large majority of them, were in sympathy with the insurrection.

He said, furthermore, that in towns which were absolutely in possession of the American forces, absolutely controlled by the American troops, towns which had been under the control of the American authorities, the people continued to give aid to the insurrection just as much as they did in other towns that were not in possession of the American forces.

Mr. SPOONER. When was that statement made?

Mr. CARMACK. It was made in General MacArthur's report.

Mr. TILLMAN. On the 4th of July last.

Mr. SPOONER. General MacArthur made that statement, but that is not all the statement that General MacArthur made. There is part of General MacArthur's statement which indicates a different opinion. The Senator calls attention to what he quoted from the statement of the native commissioners. The Senator read this:

In view of the greatly disturbed condition of the country after the 4th day of February, 1899, it was not easy to foresee when a political party could be formed, and it appeared impossible to arrange a peace proposition which would induce the Filipinos to acknowledge American sovereignty. A policy of government based principally upon the most absurd intolerance which had obtained in the Philippines for more than three centuries, until the arrival of the Americans, has established in the minds of the Filipinos the deep-rooted conviction that an alien sovereignty could come with no other object in view than an iniquitous exploitation and that it could be maintained by no other means than a selfish and absorbing government founded upon civil intolerance, religious medievalism, and inexorable military power—the triple alliance which the previous government relied on.

The successes of the Union Army in the war convinced the Filipinos that there was a superior force which would annihilate them; but these successes could not prevent the people—bleeding and without strength—from tenaciously continuing a suicidal struggle to escape the new slavery which they so greatly feared, even though it were at the cost of death.

That is what the Senator from Tennessee read from this Appendix A. That was a clear case, I think, with due deference to the Senator, of the *suppressio veri*. It is a fair illustration, if it goes out by itself, of the old adage that there is no falsehood so dangerous as a truth half told. Here is what they say:

It was necessary, in order to secure peace, to patiently and confidently await the time when facts would prove to the Filipinos the error of their judgment. The lesson taught by experience was long and, unfortunately, at the cost of the ruin of the country and the loss of a large number of human lives.

Certain abuses committed by men representing authority among the Filipinos and the unsettled conditions and injustice that prevailed in their territory showed the impossibility of the organization of an independent government. The triumph of the American arms made them realize that the accusation of cowardice brought against the Americans and generally disseminated throughout the country during Spanish rule was an absurd slander, and, finally, the conduct of the Americans after their victories showed them that their acts did not reveal cruel and wicked men, as had been affirmed by the Spanish military, civil, and ecclesiastical authorities in official documents.

Of the principal civil chieftains of the insurrection some voluntarily surrendered—

The Senator did not read that—

while others were captured by the forces of the Union. Some of the generals were already in Manila and had acknowledged the sovereignty of the United States. This circumstance favored the work done with the purpose of convincing the people that peace was an absolute necessity and that it would be the origin and beginning of a period of justice during which the cause of liberty would attain those rights which it would be impossible ever to acquire by the force of arms.

That is from the same document, but the Senator did not read that.

The people in arms received the advice which was sent them by their friends in the city with the most profound contempt, supposing it to have been dictated and inspired by fear, under the threats of the authorities. The civil and military commanders who surrendered or sought the protection of American sovereignty had, upon their arrival in Manila, an opportunity of communicating directly with the members of the Commission and of observing in person that the state of affairs was actually far different from what they had supposed when in the field. They themselves wrote to those who persisted in their hostile attitude, informing them of the true situation. Little by little they so convinced their friends and comrades that they, too, began to return to the towns, and there was spread throughout the country, if not an absolute confidence in, at least a more favorable idea of, the Americans and less mistrust of their policy.

\* \* \* \* \*

The first demonstration of material importance made by the party was held when the Civil Commission made a trip through the provinces of Pampanga, Tarlac, and Pangasinan, where, due to the unity of purpose of the party, a large group of persons, representing the most distinguished elements of those provinces, for the first time made a public expression of their sympathy, confidence, and adherence to the sovereignty of the United States. Such demonstrations were of great value, for, besides revealing in the Philippines a new sentiment, they served to convince the rest of the Filipinos that it was already possible, without endangering life, to express allegiance to the new sovereignty. Terror had reigned in those very provinces until a short time prior hereto, because natives who had shown they were partisans of the Americans and who expressed their ideas in public were cruelly assassinated in their own homes or kidnapped with their families, to be sacrificed in a manner as cruel as it was barbarous.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. For a moment only.

Mr. CARMACK. Well, Mr. President, if I can not have time

enough to defend myself from the attack which the Senator has made, I prefer not to interrupt him at all.

Mr. SPOONER. If the Senator thinks that I made an attack, he can take the time.

Mr. CARMACK. Mr. President, the Senator charged that I made a very partial and incomplete statement, and coupled that with the assertion that no falsehood was so dangerous—

Mr. SPOONER. I did not impute falsehood to the Senator from Tennessee.

Mr. CARMACK. I do not understand what the Senator could have meant, unless he did mean that.

Mr. SPOONER. What I meant was that reading a part of a report and not the rest of it did not convey the truth to the people. I did not charge the Senator with falsehood, and could not do so.

Mr. CARMACK. Very well; I accept the Senator's disclaimer. But what I want to say is that in my remarks, in which I quoted that particular point, I was first answering the argument which had been made that we were not attempting from the beginning to force upon the people of the Philippine Islands a government without their consent; and I quoted that from the report of the Philippine Commission as showing, from their own evidence, that the whole people of the Philippine Islands were against the establishment of American rule at the time we began to force our Government upon them. I did not allude in my remarks to what the Senator has subsequently read, but I alluded to something which he did not read, and that was as to the manner and the method by which the people of the Philippine Islands, or a certain portion of them, had been induced to accept American rule; that was by holding out to them through the Federal party, organized by three members of the Philippine Commission, with the sanction and consent of the whole Commission, the hope of admission to statehood in the American Union.

Mr. SPOONER. Mr. President, I will comment on that in a few moments. I find before me the paper to which I referred a little while ago, tending to show that in 1900 there were towns there which Aguinaldo could not control. Here is that paper:

MY RESPECTED CHIEF AND DEAR BROTHER: I have received your respected order regarding the organization of the "comite"—

That means committee—

in the towns of Zaragosa, Aliaga, and Licab. From the movements and actions of these towns I don't believe it possible to organize immediately. Before we can it will be necessary that four or five lives be taken in each town. I believe that what ought to be done to those towns is to make a *new conquest* of them, especially the town of San Juan de Guimba. It is difficult there to set straight the Tagalos and Ilocanos of importance, as they are badly inclined and they care to do nothing but pervert our soldiers.

This is what I am able to inform you in fulfillment of the respected order of the chief.

God guard you many years.  
San Cristobal, August 3, 1900.

C. GONZALES.

Oh, Mr. President, it is a long story. There is no question at all about the effect of the attitude of the Democracy in this country upon this subject in the past and now in obstructing the United States in the pacification of those islands and in bringing to that people the benefits and blessings which you and we most earnestly pray they shall be permitted to receive. I read here an extract, sir, a year ago, of a letter from General Lawton, which was challenged; the authenticity of it was denied. I had no power then to establish its authenticity, but I have the original letter now, Mr. President, in my hand. He sleeps over in Arlington. Dead, he yet speaks to us in a solemn way this day:

[Personal.]

HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,  
Manila, P. I., October 6, 1899.

Hon. JOHN BARRETT,

*Ex-Minister to Siam, Review of Reviews, New York City.*

MY DEAR SIR: Your letter, with proofs of your able article for the *Review of Reviews*, duly reached me. I thank you for them. I handed them to some of the officers to read, and they have not yet returned them, or I have mislaid them, so that I am not quite sure of your address. Think your letter was headed "The Waldorf," but will send this care of the *Review of Reviews*. As I may be leaving Manila any day and am very busy, will answer without further delay. I appreciate the importance of your suggestions and questions and regret I have not time to discuss them more fully.

This article is like your others—the best matter that is being published in America on the Philippines and Asia. Your errors were a few minor ones of dates, names, and places. Things were a little slow at first, but words were put into my mouth which I never said. I agree with you that mistakes have been made here—

That is undoubtedly true. That is incidental to all military operations on a large scale—

but I would to God that the whole truth of this whole Philippine situation could be known by everyone in America. I wish our people could know it as I know it and as you know it, for I regard you as the best informed and most impartial authority on all these Asiatic questions, and I think the President made a mistake in not naming you a member of the Philippine Commission.

I agree that if the real facts in connection with the history, inspiration, and conditions of this insurrection, and the hostile influences, local and external, such as the Catipunan and juntas, that now encourage the enemy, as well as the actual possibilities of these Philippine Islands and peoples and their relations to this great East—which you have set forth so ably—could be

understood at home in America, we would hear no more political talk of unjust "shooting of government" into the Filipinos or unwise threats of hauling down our flag in the Philippines.

You are right. Some of us have modified our views since we first came; and if these so-called anti-imperialists of Boston would honestly ascertain the truth on the ground here and not in distant America, they, whom I dislike to believe to be other than honest men misinformed, would be convinced of the error of their exaggerated statements and conclusions and of the cruel and unfortunate effect of their publications here.

It is kind of you to caution me about exposure under fire, but if I am shot by a Filipino bullet it might as well come from one of my own men. These are strong words; and yet I say them because I know from my own observations, confirmed by stories of captured Filipino prisoners, that the continuance of fighting is chiefly due to reports that are sent out from America and circulated among these ignorant natives by the leaders, who know better.

This letter, which, of course, is strictly personal, does not answer all your questions, but it is a long one for me, as I want to encourage you in your labors to make the truth known. Hope I shall see you out here soon in some high civil position. We soldiers need practical men like you to help us. Thanking you again for your kind words in praise of my humble efforts, I am,

Yours, very truly,

H. W. LAWTON.

The complimentary words to Mr. Barrett contained in this letter made him very reluctant to publish the whole letter, so he used the extract which contains the expression of General Lawton upon the particular subject at a New England banquet, but it has been challenged, and I want to set at rest the authenticity of this letter, and therefore I produce it.

Mr. TILLMAN. Is that the original?

Mr. SPOONER. Yes, sir. With it is this postscript:

P. S.—Will try to find and inclose copies of the orders and list you spoke of.

H. W. L.

Appended to it, Mr. President, is this indorsement:

LOUISVILLE, KY., February 17, 1902.

Having carefully read and examined the foregoing letter (comprising its three original typewritten pages), signed and addressed by my husband, Gen. H. W. Lawton, United States Army, at Manila, P. I., October 6, 1899, to Hon. John Barrett, New York City, I unhesitatingly pronounce the sentiments and signature thereof absolutely genuine and authentic in every respect.

MARY C. LAWTON.

Witness:

THEODORE Z. HARDEE.

It was acknowledged before a notary public.

General Lawton knew of what he wrote. He was at the front, as he was always at the front when duty called. There never was a finer leader of men than Henry W. Lawton.

I want it remembered that neither this bill, if passed, nor any bill that has been proposed hitherto by the majority, if passed, would tie the hands of the American people, morally or otherwise, at all as to the policy ultimately to be pursued, in accordance with their will, upon the subjects of the Philippines. In the years to come the path is open. No retreat has been cut off by legislation. None is proposed. And that intensified to my mind the cruelty that for political purposes, while the soldiers were fighting under the flag, under the orders of their officers, this issue, or alleged issue, should be made and debated for party purposes, as it was before the American people. Lawton knew whereof he spoke. I will show before I finish—and I ought to be through—that the proposition of the minority is a continuation, in practical effect, of the obstruction which has wrought so much harm and done absolutely no good hitherto.

I was speaking of the influences which have rendered it difficult for the Taft Commission and the army of occupation to bring about pacification and acceptance of American sovereignty, in addition to the prolongation of the insurrection, by attitudes to which I have referred. Here is an order issued by Tinio, March 26, 1900.

ORDERS FORBIDDING FILIPINOS TO SERVE UNDER UNITED STATES GOVERNMENT.

In accordance with the circular of the general commanding the center of Luzon, which was referred to me by the colonel in charge of the civil government of this province, I utterly prohibit any Filipinos from receiving employment or filling any offices in the town governments for the Americans, because he who accepts such voluntarily recognizes the sovereignty of the enemy, since he who fills such offices will be used as an example and others will use him as an excuse for accepting them.

I inform you of this so that you can communicate it to your subordinates, especially to your local presidents and principales (heads of barrios), for their information.

God keep you many years.

Headquarters of the Second Zone, March 26, 1900. The lieutenant-colonel.  
CASIMIRO TINIO.

Here is a general order of the provisional government of the Philippines.

Mr. TILLMAN. What is the date?

Mr. SPOONER. It is without date.

GENERAL ORDER OF THE PROVISIONAL GOVERNMENT OF THE PHILIPPINES.

Order the municipal captains in every town to move out and capture the detachments of the enemy, each man as he thinks best.

Capture all the friars and Spaniards and their goods and property; see that they do not escape me. The Filipinos who take the side of the enemy and who do not aid us to defend the cause of the people, seize them and their goods.

They will preserve carefully, as agent, all orders and documents of the towns.

If there is a town which does not comply with these orders, the others which have complied with them must regard them as enemies, using all

means to capture such enemies and hold them prisoners. Capture the municipal captain, and if he resists shoot him.

Whoever struggles and works for the independence of the country will be authorized to shoot whoever resists or refuses to recognize the holy cause or who favors the enemy.

If the enemy attack a town, all others must aid it without fear. If a town does not aid another attacked by the enemy, the chiefs of such town will be immediately deprived of their offices, and the laws of this government for such a case will be immediately applied to them.

Here is one of August 1, 1900:

[Translation from letter found when General Cailles's headquarters were destroyed by Colonel Cheatham, August 1, 1900.]

As soon as you receive this communication you will inform all people of your district that, by order of the commanding general of this province (General Cailles), there will be captured and shot those regular soldiers, policemen, and volunteers, or other citizens who present themselves to the Americans and who surrender their rifles for money.

All the military chiefs and presidentes locales will be held responsible if anyone of their jurisdiction present themselves to the Americans, and therefore it is ordered that if anyone has the intention of presenting himself to the Americans, he will be captured immediately and sent to the headquarters in accordance with the orders of our general.

Central camp, Lumban, July 15, 1900.

PEDRO CABALLES, Major.

I read from letter-sent book, secretary of war, No. 147, June 2, 1899, showing the fear of acceptance of full autonomy even:

Letter from office of the secretary of war to Arcadio Magslong, military commander of Cebu, this date, directing him to oppose to his utmost the full autonomy offered by the Americans to that island, and in order to do so he must impose severe punishments upon such persons as proclaim the advantages offered by those people, and this without any consideration for the office occupied by such persons, civil or ecclesiastical, if they are of autonomist tendency, and if the president and his council incline toward the Americans, yielding to their desires, arrange at once and in proper fashion for hostilities to break out with the enemy, because we can not permit any flag except the Filipino one on that island.

Here is one dated March 4, 1899:

[Circular from Polo, March 4, 1899—9.31 a. m.]

Antonio Luna, general commanding military operations against Manila, to military chiefs, officials of the provinces and towns:

In order to prevent any act opposed to the military plans of these headquarters and consequently to the ideals of the Filipino Republic, I order and command (only one article): From this day any person or individual whatever who either directly or indirectly refuses to give aid to these headquarters in the prosecution of any military plan, or who in any manner whatever interferes with the execution of orders dictated for that purpose by the general in chief commanding operations upon Manila, will be immediately shot without trial. Communicate and publish this order.

Then they had over there the Katipunan. Here is their oath. There are two different oaths:

OATHS AND FORM OF INITIATION OF THE SOCIETY CALLED "KATIPUNAN" OR "K. K. K."

Who is this who has never been initiated who wants to take part in the works of the temple?

One who wants light and who wants to be a son of the people. Profane man, think well whether you are able to fulfill all of these obligations.

If at this very hour the society demands your life and your body, are you able to give them?

The sound of bells which you have just heard, what does it mean?

It means that you are quitting your former life as the man in the last agony is quitting his, and your anguish is the sign of your separation from your past life; at the same time it is the sign of your entrance into the society where you will see the true light.

Upon your entrance into this society it is necessary that a mark be placed upon your body to prove that you are a true brother; at the proper time you will be marked with red hot iron; can you stand it?

Consider well! Do you not wish to draw back?

Remember, my dear brother, that from this hour not you, but the society, is master of your body; it is the sole master of your life and powers.

Now that you have received all the signs of this society which is called "Katipunan" or complete union, you must place yourself upon your knees before the crucifix to swear to obey absolutely its commands, and to say nothing of them to anyone, neither to your mother, nor to your father, nor your friends, for if you do it will take vengeance upon you by your death and that of your family.

Do you know, my brother, what these arms mean? They are the arms with which the society will punish your brothers who become traitors and he who speaks of the secrets of the society.

Now receive our embrace as a mark of our eternal brotherhood.

OATH.

In the name of the one true God and on my honor I swear to be faithful to the society called Katipunan or Complete Union, to defend it to the last drop of my blood, to implicitly obey its orders, and to keep its secrets from any and all persons not members of the society. And if I fail in its orders to execute its justice may God punish my soul, and may my brothers trample upon my body. In testimony of which I sign with my own blood.

I certify that I believe this translation to be correct.

CAPTAIN, FOURTEENTH INFANTRY.

In Charge of Insurgent Records.

MANILA, P. I., July 7, 1900.

Here is another. An order was issued putting all Filipinos into the Katipunan and holding them bound by the oath and subject to the penalty.

[Translation of document captured by Lieut. J. R. Thomas, Seventeenth Infantry, near Pita de Infanta, Zambales Province, August, 1900. Forwarded through headquarters third district, department of Northern Luzon. Received October 24, 1900.]

INSTRUCTIONS.

First. From to-day you will be a brother of the Katipunan. You will understand your obligation to regard with esteem the true brother of the Katipunan, because we were born in one and the same country, of one and the same people, and descendants of one and the same blood and color—that is to say, sons of one common mother.

He who desires to become a brother will be asked the following questions:

First. Do you swear before our Lord Jesus that you will never do injury to the Filipinos?

Second. Do you swear before our Lord Jesus that you will help the Filipino people in their aspirations?

Third. Do you swear before our Lord Jesus that you will always esteem our brothers of the Katipunan?

Fourth. Do you swear before our Lord Jesus that you will be able to assassinate your parents, brothers, wife, sons, relatives, friends, fellow-townsmen, or Katipunan brothers should they forsake or betray our cause?

Fifth. Do you swear before our Lord Jesus that you will shed your last drop of blood in defense of our mother country?

Sixth. Do you swear before our Lord Jesus that you will sacrifice your life and goods when there is the slightest possibility of our brothers being in need of help?

For all of this that we, your brothers in the Katipunan, may have evidence of all you have sworn you will allow us to extract a drop of your blood with which to write your name, so that we, your brothers of the Katipunan, may know that you will never betray our cause.

This being done and the blood being drawn, his name will be written in his own blood, which although but a little drop, he will never, up to the last hour of his life, cease to remember to be upon his guard as a true brother, for it is blood drawn from his own body.

March 4, 1900.

MOISES ABUEG.

They attempted to bind men to this, enlarged and extended its scope by order, because it was apparent that the people had tired of being harried, tired of tyranny, tired of exactions, tired of assassination, bloodshed, and devastation, and welcomed peace and American sovereignty. It is an odd thing that the cabalistic symbol of this oath-bound association in the interests of human liberty is "KKK" (ku-klux-klan?). Which was the mother of the other I can not say, but their purposes for liberty are very much the same.

I hold in my hand a list, which I can not take the time to read, signed by American officers, in answer to an inquiry dated December 3, 1900, which shows 314 natives assassinated, 419 natives assaulted, 73 municipal officers assassinated, and 44 municipal officers assaulted, simply for sympathy with the Americans and an acceptance of local office under the Taft Commission. The findings of the military commissions show a vast number, many having been buried alive. It is perfectly apparent that extreme measures were resorted to, in a systematic way, to prevent the acceptance of American sovereignty. If there could be a stronger recognition of the desire for it among the people, and the fear of it by the Tagalog chieftains, I can not imagine what it would be.

The reports show that in order to terrorize the people—and I can not take the time to present them to the Senate—assassination was the order of the day; that men and children were stoned to death, and that every conceivable act of violence which could strike terror to the human heart was resorted to and systematically employed in order to prevent the acceptance of American sovereignty within those islands.

How could this have occurred if Senators are right in their assumption that all but 5 per cent of the people were heart and soul supporters of Philippine independence as administered by the Tagalogs and opposed to American sovereignty?

What has the army done over there? It has pacified those provinces. At this time all of the provinces are pacified, I think, and Governor Taft thinks and General MacArthur thinks, except three.

Mr. PLATT of Connecticut. The Federal party say two.

Mr. SPOONER. The Federal party say two. At one time there were 71,000 men there. In March, 1900, there were 293 stations of troops in the Philippine Islands, which was increased up to December 1, 1901, to 472. Since December 1, 1901, 134 stations have been abandoned and 39 established, making a decrease since December 1, 1901, of 95, leaving a total at this date of 377, and 200 of those are simply there for the purpose of affording shelter and covering for the troops, and if there were a fort with adequate barracks they would be withdrawn.

I have here a letter from Secretary Root, which I will put in the RECORD:

WAR DEPARTMENT,  
Washington, February 13, 1902.

MY DEAR SENATOR: I inclose herewith a memorandum showing the number of United States troops in the Philippines and the progressive reduction of that force since the 1st of January, 1901.

Very truly, yours,

HON. JOHN C. SPOONER,  
United States Senate.

ELIHU ROOT.

WAR DEPARTMENT, Washington, ———.

January 1, 1901, there were in the Philippines, according to the corrected field returns received by mail for December 31, 63,758 enlisted men and 2,662 officers, making an aggregate of 66,420 American troops. The reduction of the American force has proceeded continuously since that time.

The time required for communication between headquarters at Manila and the outlying posts in the distant islands, and between Manila and the War Department, is so great that only approximate figures can ever be given showing the present numbers of the organizations. The last full return, which reached the War Department on the 12th of February, 1902, was the return showing conditions on the 31st of August, 1901. There were then included in the organizations stationed in the island 1,489 officers and 45,715 enlisted men, making an aggregate of 47,184 (present and absent).

The last informal return by letter from headquarters at Manila, received at the War Department from the Philippines February 3, 1902, gives the numbers for November 30, 1901, as 1,417 officers and 44,432 enlisted men, making an aggregate of 45,849 (present and absent).

The present estimated strength of the organizations in the Philippines, based on telegraphic reports of the movements of troops, is 40,870.

When the movement of troops now under specific orders for stations in the United States has been accomplished, the numbers in the Philippines will be reduced to 1,360 officers and 33,522 enlisted men.

When the general directions already given for the return of troops whose stations in the United States have not yet been designated have been carried out, the number of troops in the Philippines will be reduced to 1,125 officers and 23,234 enlisted men.

None of the foregoing figures include Philippine scouts, who on the 1st of January, 1901, numbered between two and three thousand, and now number about 5,000.

That speaks a volume, and the other day General Chaffee cabled the War Department that he did not need a battalion of the Tenth Infantry which he had been advised had been ordered to report to him in the Philippine Archipelago. Is there no pacification in the opinion of the military officers in the Philippines? Have they accomplished nothing there by arms and with the aid of the Taft Commission, when they can reduce the army in spite of obstruction from 71,000 men to 26,000 men? The army has done a great work over there. It has not been waging a war of conquest; it has been obeying the orders of the Commander in Chief, to enforce the authority and sovereignty of the United States in the Philippine Archipelago. Of course there has been bloodshed; of course there has been cruelty. All war is cruel. It is savage. General Sherman defined it well when he remarked, "War is hell." But there never has been an army—and I think the records will show it—which has fought with greater bravery, which has endured hardships of a novel kind with greater patience, or which has treated an enemy with so much forbearance. Prisoners up to a comparatively short time ago were discharged.

Of course there have been cases of individual cruelty. Sometimes a soldier, walking along the pathway, has found lying dead, stabbed in the back, his bunk mate, horribly mutilated. More than once it happened. Knit together by those strong ties which bind men who face danger and endure hardships side by side, the next Filipino he met with a knife or a gun he killed. I am sorry, but that is the human nature of it, and in the last analysis it is the anger which comes from outraged love and comradeship.

Mr. President, even in this country of civilization, war was horrible. Who ever will forget the horrible memories of Libby prison, Andersonville, and Salisbury and Belle Isle? We never charged that on the Southern people. Those are incidents of war, and you will find them everywhere.

I have here charges that have been placed in the RECORD against our army in the Philippines by the Senator from Colorado [Mr. TELLER], who disclaimed a purpose to make an attack upon the army, but filled the RECORD with letters, some of them, as I remember, unsigned. I will not stop to read this letter, but I want to read a part of General Funston's letter, in which he replies to a charge incorporated in the RECORD by the Senator from Colorado.

Mr. TELLER. Will the Senator from Wisconsin allow me to correct him? I have seen General Funston's denial. What I read was an extract from a newspaper.

Mr. SPOONER. I know. I did not say the Senator from Colorado made the charge. On the other hand, the Senator did not understand me, but I did state that the Senator from Colorado at the time he inserted these letters in the RECORD disclaimed himself making any attack upon the Army.

Mr. TELLER. I did not insert anything that had not been in the public press.

Mr. SPOONER. I understand that. This is an answer to what was in the public press.

Mr. TELLER. I have read the answer and was very glad to see it.

Mr. SPOONER. This is an answer to what was in the public press and is now in the RECORD. I want the country to get it. Under date of February 2, 1902, General Funston says:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. This statement I wish to brand as an atrocious lie, without the slightest foundation in fact. During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Maccabee Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition.

Some soldiers have resorted to the "water cure," and some have been tried for it and convicted.

Mr. TELLER. May I say one word?

Mr. SPOONER. Certainly.

Mr. TELLER. At the time I presented these allegations I

stated that the people ought to know the charges and the Government ought to take steps to prove their untruth, if they were untrue. I was not aware that they had taken any steps, and this report has come in since.

Mr. SPOONER. Every charge, and the letter of the Secretary of War shows it, which has been made in the newspapers of outrages alleged to have been committed by our soldiers in the Philippines, or which has been brought to the attention of the Secretary of War by letter, has been promptly investigated or is in process of investigation.

Mr. TELLER. That was not known to the public, I think, when those allegations were presented.

Mr. SPOONER. That is true, so far as I know, but they were presented. They have gone to the country, and it is only fair that alongside in the RECORD should be put the statement of the Secretary of War. I did not believe these charges, because if true they would constitute a violation of the standing instructions adopted in 1861, now in force, to govern the conduct of soldiers and armies in the field; not only that, but a violation of general and special orders; and not only that, but are absolutely inconsistent with the nature of American soldiers, who are brave, but not cruel, and who are commanded by as gallant and chivalrous officers as ever wore a uniform. Here is a letter from Matthew A. Batson, who commands the Macabebes Scouts. I can not stop to read his letter, but in two sentences he says:

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation.

And so on; a statement which I think will satisfy Senators either that these charges have been investigated and exploded or are being investigated. I print the communication of the Secretary of War and the letters of General Funston and Captain Batson in the appendix.

Mr. TELLER. Will the Senator allow me to read a brief extract from the proceedings of the committee of which he is a member, and with which he is no doubt familiar?

Mr. SPOONER. What committee?

Mr. TELLER. The Committee on the Philippines.

Mr. SPOONER. I am not a member of the committee.

Mr. TELLER. I beg pardon; I thought the Senator was a member of it.

Senator PATTERSON. I do not think the charge of inflicting the water cure has been made against American soldiers as much as against the native troops who have been enlisted in the American Army, or as an appurtenance to the American Army. For instance, the Macabebes. Many letters have been published making statements of this kind—that Macabebes would be sent out for the purpose of securing the surrender of guns, and the persons would deny that they had any guns. Then the Macabebes would throw them upon the ground, one soldier on one hand and another on the other, secure their feet, pry open their mouths with a stick, and then pour buckets of water down their throats till they swelled up to an abnormal size, and then jump upon their stomachs. It has been stated that invariably under that treatment guns were produced where there were no guns before; this with the knowledge of American officers, the Army getting the advantage of it in securing arms from natives, which they were seeking, without any serious reproof.

This is what Governor Taft says—

Mr. SPOONER. Mr. President—

Mr. TELLER. I want to read the Governor's answer. I could not read one without the other, because otherwise the answer would not be intelligent. Governor Taft says:

I have no doubt there were such instances—of course a great many more than there ought to have been—but, if the Senator will excuse me, dependence upon private letters from private individuals as to what occurred is dependence on a very broken reed.

Then the governor goes on to say that he did not realize that himself until this investigation was made.

Mr. SPOONER. That does not conflict at all with General Funston's statement. He says there have been cases—

Mr. TELLER. That is what I understand.

Mr. SPOONER. And there undoubtedly would be. It would be impossible that the Army could go among that people—

Mr. TELLER. I stated a year ago, and I stated when I made my speech the other day, that that was undoubtedly the work mainly of the Macabebes.

Mr. SPOONER. Now, Mr. President, one thing can not fail to attract the notice of the public. We have done a great deal in the Philippines. The Army has done a great deal, not only in the way of putting forth successfully military power, but it has done a great deal in the way of amelioration. It did a great deal in the way of forming civil governments, which it is true did not prove to be successful because of the means employed by the insurrectionists to defeat them; but, after all, the Army did a great deal in the interest of education, in the interest of peace, and in the interest of promoting good feeling among that people toward us.

In the one hand they carried the musket and in the other the schoolbook. I do not know in all history a parallel, taken all in all, to the operations which have been conducted in the Philip-

pinas in this respect; and I believe it to be true that if we could all have been united, if we could all have moved forward to the accomplishment of the great purpose of pacification—not subjugation, but pacification and upbuilding—vastly greater results would have been obtained.

There was nothing of tyranny in our attitude; there was no purpose of cruelty except as war is cruel. There could be none in the heart, as there had been none in the life, of the Commander in Chief. There was not an order issued by him that did not breathe the spirit not only of civilization, but of kindness and concern for that people which had been brought by the fortunes of war and the actions of all of us under the sovereignty and into the responsibility of this people.

If he failed to do anything, Mr. President, which a liberty-loving man should have done, I do not know what it was. He has been, not now but once, sneered at because he thought Providence had some agency in all that has happened to us and because he now and then used the word "destiny." I indulge in no casuistry. Every man will think for himself on these abstruse things. But believing that there is a God, omnipotent, just, generous, all-wise and all-seeing, one can hardly escape the belief that He has some superintending care over men and over nations.

The Senator from Colorado, in the speech which I read from this morning, recognized that. The man who has this belief in his heart, Mr. President, whether it be well founded or ill founded, can not be a tyrant. He will not run from any duty which arises from any environment and which a manly and generous man ought to discharge.

I remember in the early days how, more than once, touched by an unfair fling and taunt, calm and patient as he was, I have seen the pale face of President McKinley contract with pain. I remember in the debate on Cuba, when many cruel things were said, I had occasion to remark that he might take comfort to himself in the remembrance that the same things were uttered of Abraham Lincoln; that the day would come when the world would wonder and we would wonder how anyone ever could have thought, much less uttered, such imputations.

Behind this Army was President McKinley. A tenderer heart, Mr. President, never throbbed in a human breast—never; a kinder or more considerate man, in my judgment, never lived; a man who had a stronger, nobler love of country and of the flag, not as an emblem of power alone or chiefly, but as an emblem of liberty and justice and civilization, we have not known.

When the time came for him to die—aye, Mr. President, when, as he stood in the presence of the people and shrank back with the first shock of that dreadful assault upon him—the first word, almost, that leaped to his lips was a considerate word for the nameless stranger who, without personal malice, had shot him down. And from that hour until the last, in the presence of all the world, he bore himself with an intrepidity of soul, a thoughtfulness of others, a steadfastness of faith in the God whom he loved and worshiped, a Christian resignation and patience which lifted him to the highest possible standard of human conduct. And at the last, when the world was fading away from him, when he was bidding farewell to her who had been the chief object of his love and tender care for all the years, he said, "It is God's way. His will be done."

#### HE WAS BEHIND THE ARMY.

Is it not almost impossible to believe that that man ever could have been referred to as "McKinley the First?" Can anybody believe that administration in the Philippines in his hands was intended for enslavement? No; he wanted to go forward, as it was his duty to do, with firmness but with kindness, and he did.

There is no State paper written in any time finer or loftier than the instructions which he issued to the Taft Commission when it went to the Philippines, to cooperate with the Army on the civil side in building up government and ameliorating the harshness of war. And what has been done? They have established civil government in all the provinces, I believe, except two.

Mr. PATTERSON. Fourteen.

Mr. SPOONER. Fourteen? I thought in all except two. I remember; the Senator is right.

Mr. LODGE. War exists in four.

Mr. SPOONER. War, or what is called war, exists in only four, but the Senator from Colorado is right.

Mr. PATTERSON. That is Governor Taft's statement.

Mr. SPOONER. They have established civil governments in all provinces in the archipelago except fourteen. Now, nobody with open mind could fail to be gratified by Governor Taft's testimony as to their progress among the people and through the islands, the manner in which they were met, met by the more intelligent as well as the less intelligent; and there the intelligent have a great influence, greater perhaps than generally, over those who are less intelligent. It produced day after day, without the aid of the army, surrenders. Over 28,000 arms have been surrendered;

the army of insurrection there has disappeared; and to-day, if Governor Taft is correct, and if his associates are correct, in those provinces there is not only pacification, but there is an improved feeling and a genuine feeling rapidly extending toward American sovereignty and civil government under our auspices.

It is a plant of slow growth, I grant you. It is a difficult and delicate problem. It can be worked out, Governor Taft says. The Malay he finds like other men; he appreciates kindness and is grateful for it.

There has been no real progress in the Philippines, Senators say! "We have the testimony of the military and you have the testimony of the civil officers." Which knows the better? The last report of General Chaffee closes with this remark: "Nevertheless they exhibit evident signs of educational possibilities and gradually an attainment to the higher plane of our civilization may be hoped for." There was under the guerrilla system a period of elaborate treachery. It was a method of warfare. The report of General MacArthur is even very much stronger than that of General Chaffee. But who naturally should know better? The soldier who goes with his musket in his hand, who shoots on sight, is not apt to see the best or the kindly characteristics of an enemy. He is distrusted; he is feared. But when civil officers go there, and go there without military escort, take their wives with them, mingle with the people, consult their prejudices, invite their advice, I submit that they are more likely to be received with sincerity and would have a better view of the heart than the military officers.

Nearly all the civil governors, as shown by the Senator from Connecticut [Mr. PLATT], make glowing reports of the condition of the provinces. We may be deceived about it. There may be, and probably is, more or less insincerity; but after all that, thus far they have done great things there. And who on the other side of the Chamber, except the Senator from Colorado [Mr. TELLER], in all this debate has uttered one word of commendation of the army or found one praiseworthy or beneficent act upon the part of the United States in the Philippines? Not one. We have organized courts there. We have changed the code of procedure. We have done away with the Spanish *mañana, mañana, mañana* (to-morrow, to-morrow, to-morrow). Nothing is said about that. We have established the habeas corpus—not a writ of favor, but a writ of right. It was done in the first instance by the order of President McKinley. Now it is a part of the law there. Not a word has been said in commendation of that, although Governor Taft testified that it was in constant operation, and that an old man came to him whose son or a relative had been confined for months, was it, or years—

Mr. LODGE. Six years.

Mr. SPOONER. For six years in a prison in Manila, without knowing for what, and asked him to discharge him. Governor Taft himself wrote the petition for the writ of habeas corpus, and he was discharged, and there followed by the same writs the discharge of a large number of men who had been held there under the Spanish régime. Senators have found no commendation for that. The American authority over there in those islands abolished the infamous Spanish *incommunicado*, which was so horrible in Cuba, which immured a man and shut him off from the world before even arraignment, away from counsel and friends and hope. It is gone, and gone forever. There is not a word of commendation for that.

We have abolished the ecclesiastical courts which had jurisdiction of every offense committed by a friar. He was tried by his own associates of the church, and out of it came appalling injustice. That has been abolished, and every man over there now, of every tribe, of every religion, has an equal position before the law. Senators have failed to commend that.

They passed many great civil acts, the central-government act, the provincial-government act, the municipal code (local self-government act), the educational act, the act creating courts of justice, a code of civil procedure, the constabulary act, a civil-service act, the board of health act.

Let me refer for a moment to what has been done in the matter of education. Senators find nothing in that to commend; nothing except to criticize: Total number of pupils enrolled in the public day schools, 177,325; average daily attendance, 108,000; enrollment in night schools, 20,000; a grand total of 197,000; grand total average attendance of 114,000. Total expenditures for 1901, \$800,000. Pay roll for December, \$100,000.

The insular government pays the salaries of the American teachers and officers and provides school supplies and books free for all pupils. Senators in the opposition find nothing worthy of commendation in that.

The municipalities provide school buildings and furniture and pay the native teachers. There are 825 American teachers distributed over the archipelago—men and women.

Cruelty, tyranny! The Senator from Colorado [Mr. PATTERSON] yesterday afternoon condemned that.

Mr. PATTERSON. No.

Mr. SPOONER. Qualifiedly, as an evidence of tyranny, which sent our teachers over there to destroy the Philippine language.

Mr. PATTERSON. Mr. President—

Mr. SPOONER. Am I wrong?

Mr. PATTERSON. Yes.

Mr. SPOONER. In what respect?

Mr. PATTERSON. What I did condemn was laying claim to great merit for establishing a common-school system which the Filipinos were forced to pay for by the taxes taken from them, and they were not even consulted as to what should be taught. They are not even permitted under this system to be taught their own language. Instead, they must be taught a language totally foreign to them.

Mr. SPOONER. Mr. President—

Mr. PATTERSON. They have a language with a literature—

Mr. SPOONER. I do not yield for an argument.

Mr. PATTERSON. And a language of 4,000,000 people.

Mr. SPOONER. I do not yield for an argument.

Mr. PATTERSON. Well, you asked me.

Mr. SPOONER. I want to be just to the Senator.

Mr. PATTERSON. Oh, no; I am not finding fault with the Senator.

Mr. SPOONER. Mr. President, they have no common language. There is no Filipino language. There are 8,000,000 or 10,000,000 people. The Commission think there are about 8,000,000. There are a great many different tribes and a great many different dialects. The language of the law is Spanish. Comparatively few speak Spanish. What is the number—6 per cent?

Mr. LODGE. Between 5 and 10.

Mr. SPOONER. Between 5 and 10 per cent speak Spanish. We go over there with our government. We go over there with no purpose on earth except to subserve the interests of that people and to build them up and confer blessings upon them. We have left the Spanish language, the language of the courts. That was a necessity. The Filipinos of the various tribes do not have to be taught their own language.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes.

Mr. PATTERSON. I want to ask the Senator what he thinks of either the wisdom or humanity of granting a suffrage—

Mr. SPOONER. I am not discussing that.

Mr. PATTERSON. One moment; of granting a suffrage only to those people who write the Spanish language, comprising in the neighborhood of 5 per cent, with a few additions, and excluding from the suffrage, however intelligent the natives may be, those who speak and write their own language, the language of the nation?

Mr. SPOONER. Mr. President, there is no language of the nation except the Spanish language. That is the law language. It is the language of the courts. We want a language of the people, a language of the nation. They never will be a nation until they have a common language in one way or another, in one degree or another. In Aguinaldo's first draft of a constitution, made by Mabini, they provided that English should be the legal language of the country, and in his last one they did not settle it, but left it for the law to prescribe. However, for years to come they knew it would have to be the Spanish language. Would we go there, Mr. President, and open schools with American school-teachers to teach the Tagalog language, to teach the language of the Ilocano, the Igorrote, and Pangasinan, and all that—

Mr. PATTERSON. Let me ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I prefer not.

Mr. PATTERSON. Just for a question.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. PATTERSON. Just for a question?

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. SPOONER. I yield for a question.

Mr. PATTERSON. The question is whether or not those who are compelled to pay for teachers should not be consulted as to what will be taught.

Mr. SPOONER. Mr. President, if the Filipino fathers and mothers like to send their children to an American school to be taught the English language, to be taught to read it and to write it and to spell it, the Senator from Colorado ought to be content. [Laughter.]

Mr. PATTERSON. If the people of the Philippines are content I am content, but the people of the Philippines are given no choice. It is simply crammed upon them and forced upon them. It is all that they have.

Mr. SPOONER. Now, we have government without consent

and education without consent. [Laughter.] What next? Mr. President, the people there or anywhere else know what they want, but evidently they do not know what the Senator from Colorado wants them to want. [Laughter.] They send their children to school and they do it with the utmost avidity. The schools are crowded with intelligent children, children eager to learn, and a friend of mine told me that he attended one of the schools and the aisles were filled with mature people, anxious to learn to read and to understand the English language. The Senator, without any complaint from them, of his own motion, proceeds to point out to them what they evidently have not learned, and will not until they read his speech—and I hope it will not get there [laughter]—that they are being outraged and tyrannized over by being taught the English language.

There are 3,300 Filipino public school teachers, the majority of whom receive one hour's English instruction daily. Have they complained to the Senator? There is no compulsory education over there. Those come who want to come, and if there is anything in liberty, the child who wants to go to school and learn English ought to have a chance.

There are 200 American soldiers detailed to teach in sections where the army is operating.

What tyranny!

Free public schools are established in every island of the archipelago.

During the Spanish régime there was one teacher for every 3,500 of the civilized population.

This year there is one teacher for every 1,551 of the civilized population.

The natives generally welcome—they may not hereafter, but they do now—welcome the teachers and seem anxious to learn English.

The Normal School was opened September 1, in Manila. It has an enrollment of 250.

The Nautical School was established in Manila August 7, 1900.

The constabulary force at present numbers about 2,500 men. All of the enlisted men are natives. Twenty-five per cent of the inspectors are natives. The records show only two desertions prior to December 24, 1901. The cost of one constable is \$250 per year, as against \$1,000 per year in the United States—the cost of an American soldier. The constabulary supplies to its force through its supply store the necessaries of life which can not be bought in the provinces. The estimated appropriation for maintaining for one year a constabulary force of 183 chief officers, 543 petty officers, and 4,480 privates is \$1,250,000 as against \$5,000,000, the cost of maintaining a military force of equal size in the United States.

During the four months since the organization of the constabulary its forces have taken part in 230 expeditions, killed 20 outlaws, wounded 20, and captured 374; captured 114 rifles, 17 shot-guns, 44 revolvers, 79 bolos, and 1 cannon; recovered 125 carabaos and 13 ponies; received the surrender of 57 rifles, 5 revolvers, 1,052 rounds of rifle ammunition; executed 79 warrants, made 179 arrests (exclusive of outlaws), furnished descriptive lists of 4,500 agitators and turbulent characters.

The chief of constabulary, Maj. Henry T. Allen, estimates that in one year from January 1, 1902, 15,000 American soldiers, with the aid of native troops and constabulary, will suffice to garrison and maintain order in the Philippine Islands.

Yes, in spite of appeals and terrorism and obstructions, we have made great progress in the Philippines.

Now, what is proposed here, Mr. President? What is the substitute presented by the minority?

That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

If this is passed, that is the end of it—no protectorate, no reserve power over foreign relations, no power reserved at all that would be in the slightest degree efficient.

That from and after the passage of this act said archipelago shall be foreign territory, and all goods entering the United States therefrom shall be subject to the same duties, customs, and imposts as are now, or may hereafter be, prescribed by law for goods entered from other foreign countries: *Provided*, That during the temporary occupation of said islands, as hereinafter provided, all trade between the same and the United States shall be free.

That the United States shall continue to occupy and govern said archipelago until the people thereof have established a stable government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain for the safety of those inhabitants who have adhered to the United States and for the maintenance and protection of all rights which have accrued under their authority.

Then we are to go away and "leave the government control and sovereignty thereof to the inhabitants of the same." I think that is the most mischievous project in the present situation that could be devised by the wit of man. It is the discredited issue of imperialism projected again.

What would be the effect of this substitute? What is the hypothesis, Senators, on which you propose to enact this proposition? Either one of two—either that the American people can not safely

be trusted to settle this Philippine proposition in their own way and in their own good time, or that it is necessary to the pacification of those islands. Is either true? The Senator from Colorado, in the speech from which I read an extract a little while ago, announced—and I knew he had—implicit faith in the American people. By what warrant do you press legislation impeaching the integrity and the loyalty of the American people to American ideals?

The Senator from Tennessee seemed to think in his speech the other day that if we do not scuttle the ship, if we do not retreat at once, if we do not, like cowards, run from duty partially done the American people will become blind with the passion of greed, and that retreat will be cut off.

I estimate the American people in no such way. I have abiding faith, Mr. President, in their purposes, in their generosity, in their justice. The ideals of the American people have been made by them, they belong to them, they are dear to them, and they will preserve and maintain them.

When has the American people voted to shunt this sovereignty, this title, and this possession which they have acquired by treaty, ratified by appropriations, consummated by military force, and upon which they are now engaged in working out righteously and splendidly the great problem upon which they entered? Why now? Why just as the Taft Commission is winning the confidence of the people there, overcoming the prejudices which in so many ways, assiduously and by terrorism and otherwise, have been engendered against us? Why again project into this situation this doctrine of independence? What will be the result? You set the cabal at work; you inaugurate intrigue; you project into the future an issue of fact about which there must be and will be differences of opinion.

It has been proclaimed on this floor that long ago they had a republic devoted to liberty and fit for international recognition, protecting life, liberty, and property. Who is to say when a stable government has been formed over there—the Filipinos or we? They will say "We have it." We may be compelled to say "No; you have it not." Then comes the hot charge of bad faith; then our own witnesses cited to sustain the charge of perfidy and bad faith. We lose the vantage ground for doing good which the title gave us, as contradistinguished from the mere relinquishment of sovereignty.

That is not all. You would stop at once adherence to American authority and cooperation in American upbuilding. How? I spoke at one time with a gentleman who was vice-president in Aguinaldo's cabinet, and who is an able man. He told me that a large majority of the Filipinos desired to acquiesce in American sovereignty; that they believed we would do what was generous and right, but they were afraid. I said, "Why afraid?" He said, "Congress has not acted; the division in your country is such that we are afraid some day the American flag will be taken down in the Philippines, your troops will sail away, and then, if in the meantime we shall have manifested sympathy for the American Government and a willingness to acquiesce in it, we shall be confiscated, assassinated, and destroyed."

Now, Mr. President, instead of leaving that people to meet the advances of the Taft Commission, to cooperate with them in developing the industries and increasing the prosperity of the islands, in extending the system of free education, in eliminating, as we will, the title of the friars to lands there, what would these Senators do? They would pass a bill giving away the sovereignty, leaving us there as tenants at will or by sufferance. If this substitute were passed, not one man in the Philippine Archipelago would dare to give his adhesion to American sovereignty or evidence his sympathy with the work of this Government for their future betterment. They would remember the outlawries, the confiscations, and the terrorism of the recent past.

It is a bill to raise hell in the Philippine Archipelago. It is a bill that has no merit whatever in it. It is a proposition which we are not ready for and which the Filipinos are not ready for. It is an experiment that they dare not try. Our obligations over there have grown day by day. Every Filipino who has accepted office, every Filipino who has evidenced in the smallest degree sympathy for the United States or a willingness to acquiesce in American sovereignty, has taken a bond from us, if there is any honor in us, to stay there long enough to safeguard his life when a change does come.

You will go away when a stable government is formed, "exact-ing guaranties that those who have adhered to the United States shall be protected!" What guaranty? Who shall guarantee the guarantor? How long will it take to erect a stable government in the Philippine Islands? God only knows. You do not know. I do not know. Had we not better move along with the sovereignty and title, the strong, firm, safe foundation for upbuilding, and leave to the future the questions of the future?

Who asks for this surrender of sovereignty? The memorial of the Federal party, admittedly comprising about 150,000 of the

most intelligent and influential people of the islands, petitioning for ultimate statehood, adjure us against colonialism and independence. They say:

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Their argument against colonialism is largely based, naturally, on the abuses and injustices with which the "Philippines were surfeited under the Spanish Government." They add, as to independence:

Philippine independence, with or without a protectorate, means the holding of power by all the terrible elements of the sect which predominate, and would predominate still for some years, until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fanaticism we have inherited from Spain exiled.

These men should know whether the people there are fit for independence, or can soon be fitted for independence, better than we can know it. Because we can not pledge to them what they wish—statehood—must we give them what they do not wish and say they can not sustain—independence?

I stand, Mr. President, where I have always stood from the first upon this subject. I dreaded the assumption of the burden. I did not believe, nor do I now, in permanent dominion of the United States in the Philippine Archipelago. At the same time, I never expect the flag of the United States to depart from that archipelago.

I feel a little differently as to the relation of the United States to the Philippine Archipelago from what I once did. I have less of fear and more of hope. I firmly believe, as we all fervently hope that if we move forward, solving as best we can the problems which appear from time to time, doing right, spreading education, promoting justice, ameliorating conditions in the Philippines, building roads, increasing facilities, bringing prosperity, quieting the titles of the native inhabitants to land which they and their ancestors have occupied, so that for the first time, standing in front of their houses, each could truthfully say, "This is my home; I own it"—never before could they say that—that it will inevitably attach that people to us and win their confidence. This would be a vain hope if the minority proposition here were adopted.

It is our duty to find fault only where fault can fairly be found. The problem is difficult and filled with complication. It requires patience, tact, and united effort.

This debate has been, after all, a high tribute to the work of the Commission. Senators have criticised the treason act, and I agree with the criticism in part. They have found fault with the sedition act. There is much, I think, to be said in favor of that act, its phraseology in one or two particulars being changed. They have criticised the franchise, but it must be remembered that it is but a beginning. Self-government is a faculty. It must be developed, and it can not be developed without use. We can not adopt there at once the standards which are dear to us here. We require the Commission to report to us every act in order that we may examine it, and if it does not meet our approval we may change it.

I wish we might all move along together. Let us encourage the Commission. Let us improve as rapidly as possible government over there, and enlarge the participation of the people in it, and when the day comes that that people can maintain an autonomous government let us give it to them. They might be able to do that, and doubtless will be able to do that, long before they could maintain independence, but, having the sovereignty, we could maintain a protectorate over them with safety, thus giving them opportunity in safety to work out with our aid their destiny. Leave there, and then what?

Mr. HOAR. May I ask my honorable friend a question?

Mr. SPOONER. Yes, sir.

Mr. HOAR. Is the Senator willing to put into a resolve of the Senate such a declaration of the purposes of the American people as he has just stated?

Mr. SPOONER. I am not willing to make any declaration in this situation. I am willing to trust the American people, Mr. President. Suppose you adopt this proposition, and suppose you come away from the Philippines, they having erected a stable government, in your opinion, and it turns out not to be a stable government?

Mr. HOAR. Mr. President, if I may interrupt the Senator again, this is a proposition of immense importance, to my humble apprehension. It is a proposition in which the very essence of civil liberty and righteousness is involved; and if I am indiscreet in interrupting the Senator in his eloquent remarks I beg his pardon. But I want to ask him, as he claims we are the trustee of 10,000,000 people, whether, when many persons in the Senate and out of it are declaring that we have the right to hold those people for our advantage and that the American flag shall never go down there under any circumstances or under any conditions—whether,

when he declares what he himself thinks righteousness and justice demand, he refuses to let the American Senate, to let the trustee, tell those people that we have no purpose of turning them to our own gain?

I do not ask the Senator to determine any political policy in any sense by saying exactly what we are going to do, but I ask him now, does he refuse to tell that people that in the future we mean, if they are fit for it, to leave them to govern themselves in freedom and in independence, or does he mean that they shall be contented with the vague declarations of irresponsible individuals?

Mr. SPOONER. Mr. President, I mean just this: If I have not made the Senator from Massachusetts understand that I regard it as the height of unwisdom to project into the future any promises upon that subject, I have failed utterly in making myself understood.

Mr. HOAR. But the Senator—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. I yield.

Mr. HOAR. I ask the Senator when it is debated here in the Senate, and out of it, whether we are the rightful owners of that people for all time, he thinks it is projecting into the future a problem that is to be settled then to simply disclaim that intention?

Mr. SPOONER. I think we are the owner of the Philippine Archipelago—

Mr. HOAR. People and all?

Mr. SPOONER. People and all? I think if we own a country—

Mr. HOAR. You own the people.

Mr. SPOONER. I did not say that.

Mr. HOAR. I beg your pardon.

Mr. SPOONER. I did not say that.

Mr. HOAR. No; I understand you did not. I beg the Senator's pardon.

Mr. SPOONER. We bought the Territory of Louisiana, but we did not own the people. We bought the Territory of Alaska, but we did not own the people. But when we acquire territory which is inhabited we certainly have the sovereignty and right to govern it incidental to the ownership.

Mr. HOAR. But did we not assure Louisiana and Alaska both that we intended ultimately to admit them into the Union as equals?

Mr. GALLINGER. I think not as to Alaska.

Mr. SPOONER. Not Alaska.

Mr. HOAR. Mr. Sumner again and again in that great speech made that affirmation and disclaimed the notion of governing without the consent of the governed.

Mr. LODGE. It was never done by law or treaty.

Mr. SPOONER. It is not what Mr. Sumner declared, but what was in the treaty.

Mr. HOAR. I am speaking of what the great leader of the Senate then read and commending it to the imitation of the leader of the Senate now.

Mr. SPOONER. I was saying when interrupted, "leave there, and then what?" Leave your stable government to a people who never up to this time for an hour participated in government. What would follow? Civil war and anarchy, and the Philippine Archipelago would have passed beyond any relief from us. We should have relinquished our sovereignty by act, if this substitute were adopted, and abandoned it in fact. It is a dangerous experiment to try. Other nations would intervene, and seize and occupy. We could not complain, for we should have abandoned our sovereignty to a people which could not hold it.

Of course we can not penetrate the future.

When Congress adjourned not long ago none of us thought, except perhaps the Senator from Colorado, of any conflagration in China. To me it came like a clap of thunder from a cloudless sky. When our legations were attacked in China, and when the missionaries over there—men and women laboring in His service, self-sacrificing, devoted—were suddenly confronted with death and unspeakable outrage and implored our protection, it seemed rather "providential" that we were in the Philippines and able to send quickly two regiments of soldiers and a battery from the archipelago, only 600 miles away, to their relief. It had great moral effect. Other governments had to send troops from far away. They gave up their legations and their legationers as lost. President McKinley would not and did not.

And so in all the great strife for commerce in the Orient which is to come in the future, which will grow more and more intense, I think a foothold, naval and military, in that archipelago, not incompatible even with ultimate independence to the Philippine people, will be of infinite use to the people of the United States.

No, Mr. President, I am opposed, in this sensitive and difficult situation, to promises, indefinite as to time of redemption,

not now absolutely certain as to possibility of literal redemption. The true policy is to proceed with the work of pacification and construction, as President McKinley did, and as President Roosevelt announces his purpose to do. He is a man of high ideals. He is a lover of liberty. He dared more for liberty in the Spanish-American war than any of us. He offered his life and all that is dear to a man for the liberty of Cuba. The people trust him. We will obey their will if we stand by him and uphold him. We have traveled far and done good work since the outbreak of the Spanish-American war.

By our aid the republic of Cuba is soon to enter the family of nations, with a flag of her own. We have brought happiness and prosperity to Porto Rico, and we have well begun the great task which we assumed in the Pacific, to bring together the Philippine people into one people, and to educate them for self-government or independence, and to give it to them when the time comes. That is a result well worth working for and well worth waiting for. It can be wrought out by going forward, but not by a retreat, and I venture to prophesy that it will not be long before the Filipino people would look upon the departure of our flag from their midst, with its guaranty of protection, of liberty, of law, and of order, as an irreparable calamity.

APPENDIXES.  
APPENDIX A.

AGUINALDO'S ORDER OF JANUARY 9, 1899.

MALOLO, January 9, 1899.

INSTRUCTIONS TO THE BRAVE SOLDIERS OF SANDATAHAN OF MANILA.

ARTICLE I. All Filipinos should observe our fellow-countrymen in order to see whether they are American sympathizers. They shall take care to work with them in order to inspire them with confidence of the strength of the holy cause of their country.

Whenever they are assured of the loyalty of the convert they shall instruct them to continue in the character of an American sympathizer, in order that they may receive good pay, but without prejudicing the cause of our country. In this way they can serve themselves and at the same time serve the public by communicating to the committee of chiefs and officials of our army whatever news of importance they may have.

ART. 2. All of the chiefs and Filipino brothers should be ready and courageous for the combat, and should take advantage of the opportunity to study well the situation of the American outposts and headquarters, observing especially secret places where they can approach and surprise the enemy.

ART. 3. The chief and those who go to attack the barracks should send in first four men with a good present for the American commander. Immediately after will follow four others, who will make a pretense of looking for the same officer for some reason, and a larger group shall be concealed in the corners of houses in order to aid the other groups at the first signal. This wherever it is possible at the moment of attack.

ART. 4. They should not, prior to the attack, look at the Americans in a threatening manner. To the contrary, the attack on the barracks by the Sandatahan should be a complete surprise and with decision and courage. One should go alone in advance in order to kill the sentinel. In order to deceive the sentinel the one should dress as a woman and must take great care that the sentinel is not able to discharge his piece, thus calling the attention of those in the barracks. This will enable his companions who are approaching to assist in the general attack.

ART. 5. At the moment of the attack the Sandatahan should not attempt to secure rifles from their dead enemies, but shall pursue, slashing right and left with bolos, until the Americans surrender, and after there remains no enemy who can injure them they may take the rifles in one hand and the ammunition in the other.

ART. 6. The officers shall take care that on the top of the houses along the streets where the American forces shall pass there will be placed four to six men, who shall be prepared with stones, timbers, red-hot iron, heavy furniture, as well as boiling water, oil, and molasses, rags soaked in coal oil ready to be lighted and thrown down, and any other hard and heavy objects that they can throw on the passing American troops. At the same time in the lower parts of the houses will be concealed the Sandatahan, who will attack immediately. Great care should be taken not to throw glass in the streets, as the greater part of our soldiers go barefooted. On these houses there will, if possible, be arranged, in addition to the objects to be thrown down, a number of the Sandatahan, in order to cover a retreat or to follow up a route of the enemy's column, so that we may be sure of the destruction of all the opposing forces.

ART. 7. All Filipinos, real defenders of their country, should live on the alert to assist simultaneously the inside attack at the very moment that they note the first movement in whatever barrio or suburb, having assurance that all the troops that surround Manila will proceed without delay to force the enemy's line and unite themselves with their brothers in the city. With such a general movement, so firm and decided against the Americans, the combat is sure to be a short one, and I charge and order that the persons and goods of all foreigners shall be respected and that the American prisoners shall be treated well.

ART. 8. All of our chiefs in the suburbs should prepare groups of the Sandatahan, who will attack with ferocity and decision the Americans within their lines, attempting to surround each group of Americans or to break through their lines. This must be done if the nature of the ground occupied by the Americans will permit and if the Sandatahan have the proper amount of courage and resolution, and the more courage and intelligence that they show in the moment of the attack the surer will be the result and the fewer will be their own losses.

ART. 9. In addition to the instructions given in paragraph 6, there shall be in the houses vessels filled with boiling water, tallow, molasses, and other liquids, which shall be thrown as bombs on the Americans who pass in front of their houses, or they can make use of syringes or tubes of bamboo. In these houses shall be the Sandatahan, who shall hurl the liquids that shall be passed to them by the women and children.

ART. 10. In place of bolos or daggers, if they do not possess the same, the Sandatahan can provide themselves with lances and arrows with long, sharp heads, and these should be shot with great force in order that they may penetrate well into the bodies of the enemy. And these should be so made that in withdrawal from the body the head will remain in the flesh.

ART. 11. It can be taken for granted that if the above instructions are observed the enemy will not be able to use their firearms because of the confusion in his ranks, as they would shoot one another. For this reason I have always thought the rifles useless in this kind of combat, for experience has

taught me, my dear brothers, that when the Sandatahan make their attack with courage and decision, taking advantage of the confusion in the ranks of the enemy, the victory is sure, and in that case the triumph is ours.

ART. 12. At last, if, as I expect, the result shall favor us in the taking of Manila and the conquering of the enemy, the chiefs are charged with seeing that the officers and soldiers respect the consulates, the banks and commercial houses, and even the Spanish banks and commercial houses, taking that they be not seduced by the hope of plunder; as, if God sees this, He will reward us, and the foreign nations will note the order and justice of our conduct. I charge that in the moment of combat the officers, soldiers, and whatever patriots take part in the struggle will not forget our noble, sacred, and holy ideals, liberty and independence. Neither will you forget your sacred oath and immaculate banner; nor will you forget the promises made by me to the civilized nations, whom I have assured that we Filipinos are not savages, nor thieves, nor assassins, nor are we cruel, but on the contrary that we are men of culture and patriotism, honorable and very humane.

Above all I expect that you will respect the persons and goods of private persons of all nationalities, including the Chinese; that you will treat well the prisoners and grant life to those of the enemy who surrender. And that you be on the sharp lookout for those traitors and enemies who, by robbery, will seek to mar our victory.

EMILIO AGUINALDO.

APPENDIX B.

[Senate Document No. 205, part I, Fifty-seventh Congress, first session.]

CHARGES OF CRUELTY, ETC., TO THE NATIVES OF THE PHILIPPINES.

Letter from the Secretary of War relative to the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines. February 19, 1902.—Ordered to be printed as a document.

WAR DEPARTMENT, Washington, February 17, 1902.

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of thirteen such inquiries in which the results have been reported. You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 28 of whom died, was already under investigation, which is still in progress.

I inclose a copy of a letter received from General Funston, dated February 2, 1902, in which he declares the statement to be an "atrocious lie without the slightest foundation in fact," and a letter from Lieutenant Batson, the commander of the Macabebe Scouts, to the same effect.

As to orders governing our soldiers in the Philippines, I send you a copy of the instructions for the government of armies of the United States, promulgated under President Lincoln by General Orders, No. 100, of 1863. These rules have been republished from time to time in separate form and furnished to every commissioned officer of the Army, both Regulars and Volunteers, and are to-day, as they have been at all times since 1863, the practical and effective guide and rule of conduct to which every officer understands that he must conform. Among these rules you will find the following:

"RULE 16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. \* \* \*

"RULE 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. \* \* \*

"RULE 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

"RULE 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. \* \* \*

"RULE 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer use of any violence against prisoners in order to extort the desired information or to punish them for having given false information."

I send you also copies of eighteen orders, issued at different times and under different commands in the Philippines, for the observance and enforcement of these humane rules, calling particular attention to the order of the Department of Southern Luzon, dated June 5, 1900; in the Department of the Visayas, dated June 26, 1900, and in the Department of Northern Luzon, dated July 14, 1900.

I send you a memorandum of 44 officers, soldiers, and camp followers who have been tried, and 39 of them convicted, for violation of such orders as are above described.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops.

That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for

the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

I send you a number of extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

Very truly, yours,

HON. HENRY CABOT LODGE,  
Chairman Committee on the Philippines,  
United States Senate.

ELIHU ROOT, Secretary of War.

EXHIBIT A.

KANSAS CITY, MO., February 2, 1902.

SIR: My attention having been called to an extract from an article published in the City and State, of Philadelphia, January 2, 1902, I wish to make the following comment:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. *This statement I wish to brand as an atrocious lie, without the slightest foundation in fact.* During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native, or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio, and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Macabebe Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition. They did this, however, on their own responsibility and without orders from their superiors. It was utterly impossible to prevent a few offenses of this kind by the Macabebes, as they were merely repaying the insurgents for worse treatment received by them in the past.

The so-called "water cure," as it has been described to me by Macabebe soldiers, was by no means so severe an ordeal as would be indicated in the extract mentioned. The method was merely to throw a native on his back, hold his nose with one hand, and pour water down his throat from a canteen or other vessel. It occasioned nothing more than a few moments of strangling, and never resulted fatally.

I never heard of its having been administered to a native by a white man.

Very respectfully,

FREDERICK FUNSTON,  
Brigadier-General, United States Army.  
The ADJUTANT-GENERAL,  
Washington, D. C.

EXHIBIT B.

WASHINGTON, D. C., January 29, 1902.

SIR: Referring to an article published in the City and State, Philadelphia, January 2, 1902, alleging the use of the "water torture" as a means of extorting information from the natives in the Philippines by our troops, and especially Macabebe Scouts, I desire to make the following comments:

The first company of Macabebe Scouts was organized by me in September, 1899. This force was subsequently increased until I had under my command five companies, numbering 640 men. I was in command of these scouts until the latter part of November, 1899, being relieved on account of a wound received at Aringay. These men were in May, 1900, reorganized and officially designated Squadron Philippine Cavalry, though they were generally known as "Macabebe Scouts." Upon the reorganization I was again placed in command of them, and remained in command until these men were finally discharged from the service in July, 1901.

At this time there were other bodies of scouts known as Macabebe Scouts, about the discipline and conduct of which I know nothing, as I never came in contact with them.

During the time that I was in command of these native troops the practice of torturing natives to obtain information was neither sanctioned nor practiced. On the contrary, it was prohibited under pain of severe punishment. I not only did not "knowingly allow it," but from the time I organized the first company of natives until my command was discharged, in July, 1901, my officers and men were strictly prohibited from mistreating prisoners or "piasanos" in any way.

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation. As a rule, these charges have not been made to me as commanding officer of the scouts, but have been sent direct to the division commander, and in a great many cases special inspectors have been sent out to investigate. These inspectors have always been given every assistance by myself and officers to get at the truth, and the natives encouraged in every way to make known any cruelty practiced against them. It has generally been found that the natives have been scared into making these charges, first, by insurgent officials, who sought that method of arousing the natives by telling them of the barbarous treatment that they would have at the hands of the Macabebes, and, second, by American officers, who tried to intimidate the natives by threats of Macabebe vengeance.

I am glad to be able to say, however, that those charges have almost invariably gone before my command, and not followed it. In proof of this I would call attention to the petitions which have been in a number of cases—but notably at Abando and at Montalbon—submitted, in which the natives have appealed to the department commander not to remove my command from their towns, as we had always afforded them absolute protection against "ladronism" and outrages of all sorts, and that my men, as they expressed it, treated them like brothers. I request that the Adjutant-General also compare the records of courts-martial of men in my command with those of the Army in general, both in the United States and in the Philippines.

I have heard a great deal about the "water torture," or "water cure," as it is generally called, and I do not doubt that it has been applied in a few cases. Outrages will be committed in any army in the world. They have been committed against our own citizens in our own country by our own soldiers. But I know that such methods were not sanctioned, as alleged in the article referred to, by the military authorities in the Philippines, and that when proof could be obtained that such methods had been practiced the offenders were promptly brought to justice.

Indeed, after nearly three years' service in the Philippines, I can conscientiously say that I believe the treatment which the natives received at the hands of the military has been exceedingly humane and tolerant.

Very respectfully,

MATTHEW A. BATSON,  
Captain, Fifteenth U. S. Cavalry.  
The ADJUTANT-GENERAL U. S. ARMY,  
Washington, D. C.

APPENDIX C.

INSTRUCTIONS OF THE PRESIDENT TO THE PHILIPPINE COMMISSION, APRIL 7, 1900.

WAR DEPARTMENT, Washington, April 7, 1900.

SIR: I transmit to you herewith the instructions of the President for the guidance of yourself and your associates as Commissioners to the Philippine Islands.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

HON. WILLIAM H. TAFT,  
President Board of Commissioners to the Philippine Islands.

EXECUTIVE MANSION, April 7, 1900.

The SECRETARY OF WAR,  
Washington.

SIR: In the message transmitted to the Congress on the 5th of December, 1899, I said, speaking of the Philippine Islands: "As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands."

To give effect to the intention thus expressed I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke I. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

The commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the island, and both should be directed during the transition period by the same executive department. The Commission will therefore report to the Secretary of War, and all their action will be subject to your approval and control.

You will instruct the Commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

The next subject in order of importance should be the organization of government in the larger administrative divisions corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines, or the same natural geographical limits, may best be subserved by a common administration. Whenever the Commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide. Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs, duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The Commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the Commission, subject, however, to the rules and orders enacted by the Commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirement that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained.

All legislative rules and orders, establishments of government, and appointments to office by the Commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the Commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the Commission, such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage, and the maintenance of law and order, as the military commander shall deem requisite, and the military forces shall be at all times subject, under his orders, to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority.

In the establishment of municipal governments the Commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which his honor Cayetano Arellano, president of the audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

In the constitution of departmental or provincial governments they will give especial attention to the existing government of the island of Negros, constituted, with the approval of the people of that island, under the order of the military governor of July 22, 1898, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired, so far as it may be applicable to the condition existing in other portions of the Philippines. They will avail themselves, to the fullest degree practicable, of the conclusions reached by the previous Commission to the Philippines.

In the distribution of powers among the governments organized by the Commission the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system, which is the result of the process, the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be necessary to secure and enforce faithful and efficient administration by local officers.

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers; but these general rules are to be observed: That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to any others.

It will be necessary to fill some offices for the present with Americans which after a time may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil office should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

In all the forms of government and administrative provisions which they are authorized to prescribe the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.

It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press, or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

It will be the duty of the Commission to make a thorough investigation into the titles to the large tracts of land held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of wrongs which have caused strife and bloodshed in the past. In the performance of this duty the Commission is enjoined to see that no injustice is done; to have regard for substantial rights and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules:

That the provision of the treaty of Paris pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the islands to dispose of claims to property which the Commission finds to be not lawfully acquired and held, disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held, due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the islands; that upon the other hand no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

It will be the duty of the Commission to promote and extend, and, as they find occasion, to improve, the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free

to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given in the first instance in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

It may be well that the main changes which should be made in the system of taxation and in the body of laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the Commission. It will, however, be the duty of the Commission to inquire diligently as to whether there are any further changes which ought not to be delayed; and, if so, they are authorized to make such changes, subject to your approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden.

The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure, and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

In dealing with the uncivilized tribes of the islands the commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation; and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

Upon all officers and employees of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands, and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions, are placed under the special safeguard of the faith and honor of the American Army."

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States.

WILLIAM MCKINLEY.

Mr. TILLMAN obtained the floor.

Mr. LODGE. Will the Senator from South Carolina allow me to make a motion about the hour of meeting?

Mr. TILLMAN. Certainly.

Mr. LODGE. I move that when the Senate adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. TILLMAN. Mr. President, after four hours of speaking by one of the most eloquent and best equipped men in America, a man of profound learning, a lawyer without a superior, a special pleader without a peer, I feel that in attempting to follow him at this late hour I labor under such disadvantages that I can not hope to do more than to call attention to some of his sophistries.

Mr. PETTUS. I understand the Senator from South Carolina will have the floor on this question whenever it comes up again, and if so I wish to submit a motion.

Mr. TILLMAN. I am perfectly willing to yield, as I am quite unwell. We have had five hours, and that is about as long as we usually are willing to work at this kind of business. We are, of course, engaged on committees and in other ways, in correspondence and one thing or another, for ten or twelve hours a day, some of us fifteen.

Mr. FRYE. Mr. President—

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. FRYE. Enough Senators have indicated to me a desire to speak to occupy all of the time if we stay here until 6 o'clock at night and meet here to-morrow at 11 o'clock, and I think it is more prudent decidedly to stay, because some will be disappointed if we do not.

Mr. TELLER. If the Senator from South Carolina does not feel like going on, I understand there are Senators here who will go on to-night, and if so, I think we ought to stay here and give these Senators an opportunity.

Mr. TILLMAN. If an arrangement of that kind is made, I do not want to surrender my right to a hearing in the morning. In other words, I am not willing to be cut off from saying something in reply to the speech of the Senator from Wisconsin.

Mr. TELLER. I suggest, then, that the Senator from South Carolina yield to some Senator, if nobody objects, and let him hold his place.

Mr. TILLMAN. Will the Chair recognize any such private arrangement? Has he the right to do it?

Mr. FRYE. I do not suppose in the United States Senate there is any such thing as retaining the floor or parceling out the time.

Mr. TELLER. I agree to that, but if the Senator from South Carolina should say that he would yield to a Senator for a certain time, and then would resume the floor, I suppose nobody would object to it.

Mr. FORAKER. If the Senator will allow me, I am one of those who have given notice that they desire to speak. I do not know whether or not I will get an opportunity, but I suppose my name is somewhere on the list of those who are noted for a desire to address the Senate on this subject. I do not know just where I come in, but if it will be any accommodation to the Senator from South Carolina I will exchange places with him if I may be allowed to do so.

Mr. TILLMAN. I shall be very glad to yield to the Senator from Ohio, provided I can be assured that he has a place in the picture. [Laughter.]

Mr. FORAKER. I made the suggestion because I understood the Senator to say that he is feeling somewhat indisposed.

Mr. TILLMAN. Mr. President, will you please look on the list there, if you have it, or will the President pro tempore, who is standing at the desk, and please notify us just where I am at in this business?

The PRESIDING OFFICER. The Chair informs the Senator from South Carolina that he has the floor.

Mr. TELLER. I am going to object to any list whatever. Senators must take their chances of getting the floor, according to the custom of the Senate for a hundred years. I object to a list. The Chair has no right to make a list. If a Senator wants to speak, he always has the opportunity of asking the Senate to let him speak.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I desire to find out what he wants.

Mr. FORAKER. I wish to say that I understood it was the Senator from South Carolina who wanted something, and I thought I might be in a position now to give him something that he wanted.

Mr. TILLMAN. And yet the Senator from Colorado, who has been so much longer in this body than both of us, who could double us in service if he had both of our terms, says he will not permit any private arrangement, and therefore you see our little agreement will be knocked into pie before we even form the coalition.

Mr. TELLER. I did not say that. I did not say that under the circumstances the Senator might not, if the Senate agreed to it, yield to the Senator from Ohio and then to the Senator from Mississippi. What I said I object to is to the Chair making a list and recognizing Senators according to that list. I am going to object to that.

Mr. FORAKER. I wish to say, in answer to the suggestion, that I fully agree with the Senator from Colorado about it; but nevertheless when we have a debate of this kind and as we near the end of it Senators who desire to speak somehow or other fall into an arrangement among themselves as to the order in which they will take the floor. That is all that has been done here. It has been done in a spirit of accommodation, as I understand.

Mr. TILLMAN. As I have been guilty of putting my name down on the list, I am going to stand by the gentleman who put it there.

Mr. FORAKER. In view of that, I withdraw the suggestion I made a moment ago, and will listen with pleasure to the Senator from South Carolina?

Mr. FRYE. In relation to the remark made by the Senator from Colorado, I will state that on Monday the time is to be equally divided between the two sides, fifteen minutes to each speaker. Now, it seems to me that it would be a great deal better if each side would make up a list for the Chair practically to be governed by under such circumstances. It is very embarrassing to the Presiding Officer, when two or three Senators rise to speak, to compel him to recognize one or the other. The rule, of course, I understand perfectly well.

Mr. TELLER. Under the rule the Senator who presides would recognize probably first one on the other side and then one on this side, and let us take our chances. That has been the custom always. I have never known a list to be made, except surreptitiously and without the consent of the Senate. I think the Senator from South Carolina will find no difficulty about it. We will agree on this side as to who is to speak, and Senators on the other side will agree as to their side who will take the floor. I do not object to that. What I object to is that Senators shall go to the Chair and put down their names, and then when a Senator rises and addresses the Chair, the Chair ignores him and looks

at the list. That never has been the rule, and it never will be the rule in the Senate while I am here if I can prevent it.

Mr. HOAR. Will the Senator from South Carolina yield to me for a moment?

Mr. TILLMAN. With pleasure. I have been yielding to everybody. I am ready to yield the floor if I can get it to-morrow.

Mr. HOAR. I should like to state that my understanding of the practical rule of the Senate differs from that of the Senator from Colorado. I understand, of course, what is the parliamentary law both in this and the other House. It is that the Chair recognizes the gentleman who first rises. But in all parliamentary bodies, where more than one person wishes to speak, several are apt to rise at the same time; and it has been, ever since I have known this Capitol, now more than thirty years, the custom for the Chair to make up beforehand a list of those who apply to him, and then, when gentlemen rise at the same time, he recognizes them, dealing fairly with two sides of the question in the order in which they have previously applied to him.

I have a hundred times gone to the Chair, when some Senator made an address to which I wished to reply, or somebody in the other House did, and asked the Chair if he would recognize me when the speaker got through, and he has invariably done it, unless somebody else had applied first. That is certainly the only fair way to conduct our debates, and I can not see that that is any more a violation of the rule than it is for the two sides of the Chamber to agree in advance as to who shall speak, as the Senator from Colorado proposes.

I do not recognize the power of this side of the Chamber or of the other side of the Chamber to determine whether any particular Senator on it shall speak. Indeed, sometimes a person may not agree with his own side of the Chamber, and he would not get a chance to speak at all. I have no doubt the Chair, unless I am indiscreet, and he will correct me if I am wrong, has a list of names on the table before him now. I do not believe there has been a debate of this sort, where the time was limited, that the Chair has not had one before him, and somehow or other it always happens that the Senators are recognized in the order in which their names are borne on the list.

I think the Senator from South Carolina will be absolutely safe, if he lets the Senator from Ohio speak now, in relying upon being recognized if it happens, as the Senator from Ohio understands, that there is a list of names on the desk which bears the name of Senator FORAKER. If the Senator from Ohio is on the list I do not think the Senator from South Carolina need have the least apprehension.

Mr. TELLER. Will the Senator from South Carolina allow me for a moment?

Mr. TILLMAN. Certainly.

Mr. TELLER. I want to make a suggestion to the Senator from Massachusetts. I did not complain of what the Senator from Massachusetts says has been usual—for a Senator to go up to the Chair and say, "Recognize me if you can," and the Chair always looks his way; but if somebody gets up before, he recognizes him. I say it has not been the custom, though it sometimes has been done, to have a list; but as a rule we have not had a list. I do not object to what the Senator suggests. With a list, one side of this body might enter their names and the other side be entirely cut out. People advocating a single side of a case might take the whole time, although they might not be the first to address the Chair. I do not think there is any trouble about this.

Mr. COCKRELL. Not one particle of trouble. There never has been.

Mr. TELLER. If the Senator from South Carolina does not want to go ahead, it seems to me that some one might now proceed, and the Senator, by universal consent, might be heard in the morning. We ought to give Senators a chance to speak to-night.

The PRESIDING OFFICER. Several Senators are ready to go on to-night.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. Do I understand the Chair to mean by that that I can give the Senator from Mississippi an opportunity to make a set speech, and then resume the floor when he gets through? I do not yield the floor to any man, because I intend to speak on this subject—

Mr. COCKRELL. Then the Senator had better go ahead.

Mr. FORAKER. The Senator had better speak.

Mr. TILLMAN. Unless I can get assurances that I can have the floor in the morning. I have about three hours' talk in me from my present feelings.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. TILLMAN. Mr. President, we are discussing or pretending to discuss the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes. The Senator from Wisconsin [Mr. SPOONER] used as an argument in favor of the passage of this bill the necessity of raising funds with which to carry on the government in those islands. We had the fact brought out the other day, and nobody disputed it then and nobody dares to attempt to dispute it now, that the so-called Philippine government, the Taft Commission, which is the government and the whole of it, has a surplus of some four or five million dollars in the insular treasury. There is absolutely no immediate use or need for any new revenue or additional revenue.

This whole scheme involves a fundamental change of our national policy for a hundred and twenty-five years. It means a subversion and destruction of those principles which have been the guiding stars of the American people since we have had a Government. Therefore, any pretense that this bill or any bill of a similar import is necessary is a mere subterfuge and humbug, and every man here knows it.

We had a similar bill with regard to Porto Rico, and the purpose of it was to lay the foundation, to establish a precedent for this very piece of iniquity. If we had not had the Philippines on our hands at the time the Porto Rican tariff bill was introduced, no such bill would ever have come into Congress. The purpose was, as I said, to establish a precedent, and if the Supreme Court had not sustained that unhappy precedent, if our court of last resort had not declared that it is in the power of Congress to levy a tariff duty between two sections or two portions of our country if one is a Territory, all of this would have fallen to the ground, and the condition then confronting us of having to admit Philippine products and manufactures, if they should develop, and other articles into the American market upon the same terms that you admit goods from California or Arizona or New Mexico, would have caused us to get out of the Philippines upon any possible condition which would let us loose, or enable us to let them loose, and everybody here knows it. So I believe in clearing the atmosphere a little by stating my opinion—only my opinion, of course—as to the hypocrisy involved in this whole programme.

The Constitution, which is somewhat outworn and more or less obsolete, having become simply a time-honored document to which men appeal occasionally, but which they never observe when they have a majority, unless they want to—this Constitution of ours provides, in section 8 of article 1:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States.

The question which I, as an American whose fathers in the Revolutionary struggle helped to found this Republic, want decided here—and it is the only question involved—is whether the Philippine Islands are in the United States or not. The Supreme Court says they are territory appurtenant to the United States. They have not been incorporated into the United States, so to speak, although we hold them by cession, and the Senator from Wisconsin and others claim that our title is as perfect as any title can possibly be.

But those islands occupy an anomalous position. They are in a condition in which the Army and the Navy and the Congress are taking possession and acting as though they were a part of this country; treating them absolutely as a part of the United States; and then, on the other hand, we find this same Congress first authorizing the President to govern them absolutely, all power, legislative, executive, and judicial, being lodged in the President, and he, in his turn, lodging it in five commissioners. We find this Congress ratifying an act of the Taft Commission—the Philippine government, so called—which levies duties on imports from the United States into the Philippines; and the Congress, in addition, levies duties on imports out of the Philippines into the United States.

Now, why do we not levy a duty on imports between Arizona and Nevada? Arizona has three times as many people in it as Nevada.

Mr. STEWART. Oh, no.

Mr. TILLMAN. Well, twice as many. New Mexico certainly has more. The Indian Territory and Oklahoma together have 1,000,000 white people begging for admission into the Union as States. They are denied admission. They are refused the rights of citizens; and yet here we are discussing and here we are legislating about the rights and property and interests of these 9,000,000 wards of ours, or chattels, or whatever other thing they may be. I do not know what they are.

The only power vested in Congress to deal with Territories arises from the section of the Constitution which provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Well, we bought those islands; so we say. We bought the title to the land, so these lawyers tell us; and we do not count the people on the land or their rights as in any wise affecting our action.

Then we stand before the world occupying the attitude of a country which had its origin in declaring that colonies governed from abroad arbitrarily is tyranny, and we have returned like a dog to its vomit to the policy of England which our fathers overthrew at Yorktown.

While King George, recognizing no rights in the American colonies of that day and time which he was bound to respect—through his Parliament, through orders of the ministry—levied a tax on tea and went forward to levy stamp duties, the men descended from those who resented that tax; the men here from Massachusetts, with one exception at this end of the Capitol and one or two at the other end, stand here clamoring and announcing their belief that we as a people have the right to do the very same thing that England did to Massachusetts in 1776.

Not only that, but we spit upon the organic law which our fathers framed, declaring that there should be uniformity in excise duties and in taxes, and we set up the damnable doctrine that we can not only hold those people without regard to their political, or civil, or other rights, but that we can govern them, not from within, but by sending a lot of appointees, men who go there to take possession of that country, backed by the Army, and to levy taxes by the millions and to spend those taxes under the enactment "Be it enacted by the Philippine Commission, by the authority of the President of the United States," that such and such taxes shall be levied, and such and such disposition shall be made of them. And we call ourselves liberty-loving Americans. We stand here and boast of our proud heritage, and of the great things we are doing for humanity and the world, and what we propose to do.

I have here some ancient history. I have been delving into history of late in regard to the Revolutionary war, and I brought out some facts in regard to the part my State took in that war. It is a good thing if we can go back to the origin of things, especially of our Government, and get some of the facts bearing upon the revolt of the colonies against England, and the procedure which was followed in that day and time in opposition to this new Republican doctrine that might makes right. Might, and might only, because we are a powerful nation, gives us the authority to buy those people from Spain, and claim that we have a title because we have the power to enforce that title; and having crushed out all organized opposition, standing confronted by only a few guerrillas here and there, we proclaim that we have pacified all of the provinces except fourteen, I believe it is.

Mr. LODGE. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure. I am allowing anyone to interrupt me who wants to interrupt me.

Mr. LODGE. The Senator, I know, does not mean to make a misstatement in regard to the provinces. There is insurrection in four—Batangas, Laguna, Tayabas, and Samar.

Mr. TILLMAN. Mr. President—

Mr. LODGE. If the Senator will excuse me a moment, the rest of the fourteen provinces are two Filipino provinces which are not in insurrection, but, being very remote and sparsely populated, they have not organized governments, and Moro provinces and wild tribes.

Mr. TILLMAN. What has been the course of this philanthropic and humanitarian and civilizing power over there with regard to the Moros? You have not dared go to them with any show of force. You have bootlicked around and even subsidized them by giving to those datus and to the Sultan of Sulu a salary from our Treasury to keep the peace and let us pretend to own them. You leave the Mohammedan fighters severely alone and seize upon the fair provinces of Luzon where there is an opening for your carpetbagger to get in his fine work. You provide the machinery, backed by the bayonet, by which these poor wretches (negroes, you call them) are to be placed where when you squeeze any money out of them you can arrange to distribute it according to your own sweet will. But it is not in your policy to invade the dominion of the Sultan of the Sulus, because you would be met in every bush by a man who would throw a bolo or a bullet into you, and therefore you leave that problem to settle itself hereafter.

You stick to the part of the archipelago which will afford means of robbery—an opportunity to steal. Having had a little experience in Cuba with your carpetbag vermin the country knows what to expect, and having had eight years' experience in South Carolina with carpetbag vermin, from 1868 to 1876, I know whereof I speak, and that is when political influence sends into any conquered country outsiders to govern it the first thing they do is to

stick their hands into the pockets of the prostrate people and steal all in sight.

Governor Taft himself admits that we are going to be confronted by the danger of having improper officers sent there. He realizes it already, and if he would be open and frank I expect he has already caught some of those scoundrels, but it would not be a good thing, you know, to ventilate it in the United States just now.

But let me get back to my point as to arbitrary government by outsiders. I hold here an old, time-honored book of 1775. It contains the following:

By the King: A proclamation for suppressing rebellion and sedition.

GEORGE REX.

Now listen. Here is one of your proclamations to Filipinos by our beneficent authority over there, or something in the same line. This is the process of "benevolent assimilation," except that George did not assimilate. We put some blue pellets into his soup that made the old creature sick.

Whereas many of our subjects in divers parts of our colonies and plantations in North America, misled by dangerous and ill-designing men, and forgetting the allegiance which they owe to the power that has protected and sustained them, after various disorderly acts committed in disturbance of the public peace, to the obstruction of lawful commerce, and to the oppression of our loyal subjects carrying on the same, have at length proceeded to an open and avowed rebellion by arraying themselves in hostile manner to withstand the execution of the law and traitorously preparing, ordering, and levying war against us; and

Whereas there is reason to apprehend that such rebellion hath been much promoted and encouraged by the traitorous correspondence, councils, and comfort of divers wicked and desperate persons within this realm:

To the end, therefore, that none of our subjects may neglect or violate their duty through ignorance thereof, or through any doubt of the protection which the law will afford to their loyalty and zeal, we have thought fit, by and with the advice of our privy council, to issue this our royal proclamation, hereby declaring that not only all our officers, civil and military, are obliged to exert their utmost endeavors to suppress such rebellion and to bring the traitors to justice, but that all our subjects of this realm and the dominions thereunto belonging are bound by law to be aiding and assisting in the suppression of such rebellion, and to disclose and make known all traitorous conspiracies and attempts against us, our crown and dignity; and we do accordingly strictly charge and command all our officers, as well civil as military, and all other our obedient and loyal subjects to use their utmost endeavors to withstand and suppress such rebellion and to disclose and make known all treasons and traitorous conspiracies which they shall know to be against us, our crown and dignity, and for that purpose that they transmit to one of our principal secretaries of state or other proper officer due and full information of all persons who shall be found carrying on correspondence with or in any manner or degree aiding or abetting the persons now in open arms and rebellion against our Government within any of our colonies and plantations in North America, in order to bring to condign punishment the authors, perpetrators, and abettors of such traitorous designs.

Given at our court at St. James's the 23d of August, 1775, in the fifteenth year of our reign.

God save the King!

Here we have the direct source or fountain from whence the sedition laws which we have had discussed were drawn. But listen again. Here is another interesting historical document:

By His Excellency the Hon. Thomas Gage, esq., governor and commander in chief in and over His Majesty's province of Massachusetts Bay and vice-admiral of the same.

Now, I know my distinguished friend, the senior Senator from Massachusetts [Mr. HOAR], knows this almost by heart, and I want him to listen to me very closely while I read the following paragraph from this time-honored document:

#### A PROCLAMATION.

Whereas the infatuated multitudes who have long suffered themselves to be conducted by certain well-known incendiaries and traitors in a fatal progression of crimes against the constitutional authority of the State have at length proceeded to avowed rebellion, and the good effects which were expected to arise from the patience and lenity of the King's Government have been often frustrated and are now rendered hopeless by the influence of the same evil councils, it only remains for those who are intrusted with supreme rule, as well for the punishment of the guilty as the protection of the well affected, to prove they do not bear the sword in vain.

I will skip and then jump to this place:

The authors of the present unnatural revolt, never daring to trust their cause or their actions to the judgment of an impartial public, or even to the dispassionate reflection of their followers, have uniformly placed their chief confidence in the suppression of truth, and while indefatigable and shameless pains have been taken to obstruct every appeal to the real interest of the people of America, the grossest forgeries, calumnies, and absurdities that ever insulted human understanding have been imposed upon their credulity.

Listen to this, now:

In this exigency of complicated calamities I avail myself of the last effort within the bounds of my duty to spare the effusion of blood, to offer, and I do hereby in His Majesty's name offer and promise, his most gracious pardon to all persons who shall forthwith lay down their arms and return to the duties of peaceable subjects—

And this—

excepting only from the benefit of such pardon Samuel Adams and John Hancock, whose offenses are of too flagitious a nature to admit of any other consideration than that of condign punishment.

I was called a "traitor" here the other day because I boldly avowed my sympathy with the Filipinos. The senior Senator from Massachusetts [Mr. HOAR] was not called a traitor, but the Senator from Ohio [Mr. FORAKER], not now in his seat, said that

under the act of the Taft Commission if they had caught the Senator from Massachusetts in the Philippine Islands they would have hanged him long ago. So, I presume, if I may rise or claim to participate in this unpleasant eminence or infamy or treachery or treason, that soon we shall have some notice from somewhere that the senior Senator from Massachusetts and the senior Senator from South Carolina will be excepted from some proclamation of pardon for our treasonable acts and designs.

Mr. President, if I believed we had any title to the Philippines, I would be the last man to sympathize with people who are said to be in rebellion; but I no more believe that the Filipinos are in rebellion against the United States than that the Confederate soldiers were in rebellion. I believe those Confederate soldiers who marched to battle in support of their construction of the Constitution, and for four long years poured out their blood in torrents in testimony of that belief, proved by offering up their lives that they were honest and patriotic, and that the contention that they were rebels will fall to the ground in the pages of the impartial historian of the future, by reason of the fact that they simply went to war with their Northern brethren to settle a question of constitutional construction.

The Filipinos, while they may be subjugated off of the face of the earth, as they are being done to-day, or pacified off the face of the earth, if you choose, in the eye of an honest historian who may write down the facts as they exist both in the official documents which have been sent to the Senate and in reports of our officers, of our generals, in spite of what the Senator from Wisconsin [Mr. SPOONER] said to-day, will be able to make a case in history which will lead any impartial and honest man who will write it to declare that the Filipinos, having gone into insurrection against Spain before we went to war for Cuba, having, after the battle of Manila, been furnished arms by Dewey and treated as allies, having participated in the siege of Manila alongside of the men of the American Army when the city was surrendered, in August, and from then until the following February having stood there with arms in their hands, after having organized a government and having had peace and order restored throughout the archipelago—those Filipinos can make a case which in the eyes of an impartial historian will entitle them to be considered as struggling patriots, instead of rebels fighting against authorized and lawful authority.

It is no use, by simply asserting or reiterating disproven facts, to undertake to show that those people were not fighting before we went there, and afterwards fought with our help until they had captured every Spanish soldier outside of Manila and Iloilo, at the time we pretended to buy them from Spain. We had full and fair notice from Aguinaldo and others that if we undertook to buy the sovereignty of those islands and give the Filipinos no guaranty as to what should be their political status—in other words, give them nothing in the shape of promises as to liberty—they would fight us; and it is on record from our own officers, writing to the War Department, and showing that the Government here and that this Senate, before it ratified the treaty, had absolute proof that those people regarded us as allies, that they had been promised liberty, and had been assisted to win it, and that they did not recognize our right to buy them from Spain, and would not submit to such a purchase without fighting.

Those facts being indisputable, it can not be maintained honestly or fairly or legally that our title is clean. We may make our title good by force; we may lie those people out of all semblance of claim; we may publish from the War Department documents here, captured orders showing conspiracies and every other kind of thing, such as have been read here to-day, and undertake to blacken their record, to sneer them out of court; but the fact remains that they were fighting for liberty when we went there; that we helped them to expel the Spaniards, and then we turned around and have fought them, and for three long, dismal years we have been engaged in a war of subjugation, pure and simple, and nothing but subjugation.

The pacification of which we hear is the kind of pacification that obtained in Poland; the pacification that obtains in Armenia; the pacification that obtains on our Western plains, where we have exterminated the Indians who originally owned the land.

Mr. TELLER. Does the Senator desire to conclude his remarks this evening?

Mr. TILLMAN. No; I can not get through to-night. That is sure.

Mr. TELLER. Will the Senator yield to me for a motion?

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. I do.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 22, 1902, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 21, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

MARTHA R. OSBORN.

The SPEAKER laid before the House the following resolution from the Senate; which was read:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2822) granting a pension to Martha R. Osborn.

The SPEAKER. Without objection, this request will be complied with. The Chair hears none; and it is ordered accordingly.

LEAVE OF ABSENCE.

Mr. CUSHMAN, by unanimous consent, obtained leave of absence till next Tuesday, on account of important business.

CUBAN REAL ESTATE PURCHASES BY NONRESIDENTS.

Mr. TAWNEY. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Secretary of War be, and he is hereby, requested to furnish the House of Representatives such information concerning the number of acres of land in Cuba purchased by nonresidents of the island since the date of American occupation as is shown by the reports to and the records of his Department and by the records of the military government of the island of Cuba, giving the consideration, the names and places of residence of purchasers, as shown by the recorded instruments of conveyance, and also the number of acres contained in each tract so conveyed; also the total acreage of cultivated sugar land in the island of Cuba now owned by citizens of the United States and by citizens of other countries foreign to Cuba.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RICHARDSON of Tennessee. I wish to ask whether the resolution has been considered by any committee?

Mr. TAWNEY. It has not. It is simply a resolution of inquiry.

Mr. RICHARDSON of Tennessee. This is a question which, it seems to me, the Ways and Means Committee ought to consider.

Mr. TAWNEY. It is simply a resolution of inquiry for the purpose of aiding the committee in the consideration of a subject now under examination by the committee.

Mr. RICHARDSON of Tennessee. I do not see the chairman of the committee in his seat at this moment. I will ask whether the resolution does not recite on its face that the facts inquired about are already contained in the report of the Secretary of War?

Mr. TAWNEY. Not necessarily so.

Mr. RICHARDSON of Tennessee. I so understood from the reading of the resolution.

Mr. TAWNEY. I understand that the information is in his possession.

Mr. RICHARDSON of Tennessee. I understood the resolution to recite that the facts inquired about are already included in the report of the Secretary of War.

Mr. TAWNEY. Of course the information would be contained in the records of the War Department; but we have not access to those records—not to all of them. I understand the information can be readily obtained.

Mr. RICHARDSON of Tennessee. Then this proposes to obtain simply a collation of facts shown by the records of the Department?

Mr. TAWNEY. That is the purpose.

Mr. RICHARDSON of Tennessee. I have not seen the resolution before, but I think matters of this kind should receive some kind of consideration before their adoption.

Mr. PAYNE. I do not like to see adopted here the precedent of a resolution of inquiry coming in here and being adopted by the House without any consideration by a committee. I shall have to object. Let the resolution go to a committee.

Mr. TAWNEY. I submit to the gentleman from New York [Mr. PAYNE] that this request is not unprecedented. It is a very common or ordinary thing to have resolutions of inquiry addressed to a department offered in this way and to ask for their adoption by unanimous consent.

Mr. RICHARDSON of Tennessee. It is not my understanding that we have been in the habit of adopting resolutions of this kind without a reference.

Mr. TAWNEY. Such resolutions have frequently been adopted in this way since I have been a member of the House. I did not suppose there would be any objection to our obtaining informa-

tion so material to the inquiry as to who would enjoy any benefit resulting from any concession we might make to sugar coming from Cuba.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. PAYNE. Yes, sir; I object. I desire that the resolution shall go to a committee.

The SPEAKER. Objection being made to the immediate consideration of the resolution, it will be referred to the Committee on Insular Affairs.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MONDELL in the chair), and resumed the consideration of House bill 11353, the Indian appropriation bill.

The CHAIRMAN. The amendment offered yesterday by the gentleman from New York [Mr. FITZGERALD] is pending.

Mr. SHERMAN. Mr. Chairman, when the Committee of the Whole rose last night we were discussing the question of immorality alleged to have existed at the Shoshone school in 1900. After the gentleman from New York had spoken for a moment or two—simply long enough for me to catch the trend of his remarks—I went to the telephone, called up the Commissioner of Indian Affairs, and asked him what this matter was. I understood him to say over the phone that there was nothing in it; that he did not know anything about the document from which the gentleman from New York was reading—that he had never seen it.

I supposed that the document from which he was reading was a report from the Department, and stated that the Commissioner had never had such report. Investigation this morning discloses the fact that in that statement I was in error to this extent: The report was made to the Department in 1900, containing these allegations that are repeated in the Senate document from which the gentleman from New York [Mr. FITZGERALD] read; that after the reception of that report by the Secretary of the Interior it was referred to the Indian Bureau, and that Bureau sent another inspector or called upon the agent to examine into the subject and make a report thereon, and that examination was made and report made, after the examination, to the Department.

It was stated that they could find that report and send it to me before the House met at 12 o'clock, but I have not yet received it, from which I conclude it has not been found. The report exonerated from blame Mr. Nardin, the then superintendent of that school. It is proper to state in this connection that the inspector who made the first report has since been—I was going to say, dismissed from the service, but that is not so; he has been separated from the service. I do not care to discredit that inspector, because I do not now, from the information before me, challenge the fact that immorality existed at this school at the time; and I do that purely upon hearsay now, because I have not yet received the report to which I refer.

The then superintendent, who is now the superintendent at the Michigan school, Mount Pleasant, it is claimed was in no wise blamable for the condition that then existed; that as soon as he was aware of the condition he corrected it. Now, Mr. Chairman, inasmuch as we have not this subsequent report, and that this is a matter, it seems to me, of the most serious consequence, and inasmuch as the amendment offered by the gentleman from New York would not dismiss from the service this superintendent, even should he be censurable for his conduct—

Mr. FITZGERALD. Will the gentleman permit an inquiry at this point?

Mr. SHERMAN. Yes.

Mr. FITZGERALD. Do you believe that if this amendment were adopted that the Department would dare to transfer this superintendent to some other school?

Mr. SHERMAN. I prefer not to answer that question directly. It is not a question of dare. I think it is not the desire of the head of the Interior Department or any other department to do any act which he believes or knows to be antagonistic to the wish of the legislative branch of the Government. I was about to suggest, if the gentleman would withdraw his amendment, that later, at the proper place in the bill, I would offer an amendment to cover the subject. I do not offer it now, because it would not be germane at this point in the bill. The amendment I would offer is as follows:

That the Indian Committee of the House, through a subcommittee thereof, investigate the entire subject of the conduct of Superintendent Nardin while in charge of the Shoshone school, and any of his subordinates; the conditions then and now existing

at said school, and the conduct of students then and now there; and for that purpose they are authorized to send for persons, papers, etc., the expenses thereof to be paid out of the contingent fund of the House.

If the gentleman from New York is satisfied with that and will withdraw his amendment, I will offer that later on in the bill, and I think in that way we can, in the near future, probe this matter to the bottom; and if, in the opinion of the subcommittee, this superintendent is censurable, there is no shadow of doubt in my mind that he will be promptly dismissed from the service. I would like to know if that suggestion meets the approval of my colleague from New York?

Mr. FITZGERALD. Before answering the gentleman's question I would like to make a statement in connection with the pending amendment and with what happened yesterday.

The CHAIRMAN. The time of debate is exhausted.

Mr. FITZGERALD. I ask unanimous consent to be permitted to make a statement in connection with the statement of my colleague in this matter.

The CHAIRMAN. The gentleman from New York asks unanimous consent to make a statement. Is there objection?

Mr. SHERMAN. How much time does the gentleman from New York wish, more than five minutes?

Mr. FITZGERALD. I do not know. I do not want to abuse the patience of the committee.

Mr. SHERMAN. Will ten minutes do?

Mr. FITZGERALD. Ten or fifteen minutes.

Mr. SHERMAN. Then I ask, Mr. Chairman, unanimous consent that the gentleman be allowed to proceed for fifteen minutes. There was no objection.

Mr. FITZGERALD. Now, Mr. Chairman, I trust that I may be permitted to discuss this matter without interruption. When I read from Senate Document No. 201 yesterday, the gentleman from Iowa [Mr. LACEY] said this. I read from the RECORD of yesterday:

Read the balance of it, to show that it is purely and absolutely a blank charge that is here.

No name appeared in the document which I had then in my hand. Further on in the debate he stated:

It is a blank charge, and the affidavits are not sworn to. He ought to be able, in making a charge of this kind against Superintendent Nardin, of whom I never heard—but he ought to be able to name the party from whom he gets the information.

I now submit official reports from the Department of the Interior which substantiate what I said yesterday.

Mr. Chairman, I have in my hands the official report of W. J. McConnell, then an inspector in the Indian service. It is dated June 4, 1900. It is addressed to the Secretary of the Interior, and a copy of it is in Senate Document 201, from which I read yesterday. It has indorsed upon it:

JUNE 21, 1900.

Respectfully referred to the Commissioner of Indian Affairs for consideration of the recommendation of the inspector and prompt report of action taken thereon.

THOS. RYAN, *First Assistant Secretary,*  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
October 4, 1900.

Respectfully returned to the Department, with the statement that the contents of the within report have been carefully noted.

W. A. JONES, *Commissioner.*

That, Mr. Chairman, is sufficient justification that this was not an idle report nor an idle charge. That report appears in to-day's RECORD. In that report Mr. McConnell said:

Thinking that you should know the condition which existed here under Mr. Nardin, I transmit herewith the statements taken at an investigation recently made at the school by United States Indian Agent Nickerson, together with the affidavits of the employees who assisted him.

I have here a letter dated Shoshone Agency, June 4, 1900, to Hon. W. J. McConnell, United States Indian inspector, Shoshone Agency. It is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
Shoshone Agency, Wyo., June 4, 1900.

Hon. W. J. McCONNELL,  
*United States Indian Inspector, Shoshone Agency, Wyo.*

SIR: In handing you the statements hereunto attached, taken at the Wind River boarding school, on April 28, 1900, by Mr. Duclos and Mr. Cochran, school employees, in my presence, and by them reduced to writing, I desire to state that having cause to suspect that the boys and girls at this school were having improper relations, I gave instructions to the school employees soon after Mr. Nardin, the late superintendent, left, to keep close watch on the boys and girls, and assisted in the watch myself. It took but a few days to trap them. They were questioned separately, and corroborated each other's statements in regard to their more recent escapades; also stated that they had been getting together frequently during the year last past. As soon as their manner of getting together was discovered, I took immediate steps to prevent its repetition.

The statement of the girls, together with the certificate of Mr. Duclos and Mr. Cochran, is herewith submitted.

Very respectfully,

H. G. NICKERSON,  
*United States Indian Agent.*

The Commissioner of Indian Affairs informs me this morning

that Indian Agent Nickerson is still in the Indian Service. His report, at least, must have been accepted as reliable.

I hold in my hand the affidavits of the two employees of the schools who were present when this investigation was made. Both of them are still in the service; and I have also the statements that were taken at the time from different girls in this examination:

WIND RIVER BOARDING SCHOOL,  
Shoshone Agency, Wyo., April 28, 1900.

I hereby certify that I am employed as manual-training teacher at the Wind River Boarding School, and that on April 27 my attention and that of other employees was called to the fact that boys and girls were talking by signs through dormitory windows, evidently planning to get out of their dormitories that night.

They were watched, with the result that three boys were caught out of their dormitory at 11 o'clock that night. The boys are locked in their dormitories during the night, and these three boys got out by tying sheets together and sliding down to the ground through a window.

The boys confessed that their object in climbing out was to get with the girls, and gave the names of the parties implicated, together with times and places where they had heretofore met.

The agent ordered an investigation, at which he was present. The statements of several girls were taken, all of which corroborated what had been told by the boys whom we had captured. At this investigation I proposed the questions and Mr. Cochran, carpenter, reduced the same with the answers to writing, all of which is hereto attached. I have frequently called the attention of Superintendent Nardin to the boys leaving their dormitories at night and being so sleepy that they could not work next day. This matter of boys getting out was frequently discussed at the mess tables in the presence of Superintendent Nardin. The assistant matron, Miss Clare Jessup, at several times in his presence stated that the boys built a fire in the basement during the night and nearly smoked her out of her room above. Superintendent Nardin invariably claimed that she must be mistaken.

The investigation held to-day revealed that they had been out with the girls.

A. F. DUCLOS.

Subscribed and sworn to before me this 4th day of June, 1900, at Shoshone Agency, Wyo.

W. J. McCONNELL,  
*United States Indian Inspector.*

Mr. Duclos is in the service to-day. Another affidavit says:

WIND RIVER BOARDING SCHOOL,  
Shoshone Agency, Wyo., April 28, 1900.

I hereby certify that I am employed at the Wind River Boarding School as carpenter and acting engineer and assisted other employees in capturing these boys on the night of the 27th, who tied sheets together and slid from a second-story window; through them others were found to be implicated in outbreaks of long standing, and admitted their relations with the girls, whose testimony we append. The witnesses were examined singly and not allowed to confer with anyone during the investigation.

Supt. E. C. Nardin has been repeatedly informed by the assistant matron, in the presence of the employees in the mess dining room, of nightly outbreaks and great disturbance, breaking in doors and windows to get access to the basement during the night. Having the repair work to do, I repeatedly called the attention of the superintendent to the damages done, and in one case, where a window sash and four window lights had been broken, I took the trouble to find the culprit, but no action was taken and the abuse went on. I found it necessary in one week to repair thirteen lights which had been broken out and replace the panels of one door.

WESTON W. COCHRANE.

Subscribed and sworn to before me at Shoshone Agency, Wyo., this 4th day of June, 1900.

W. J. McCONNELL,  
*United States Indian Inspector.*

These reports, Mr. Chairman, were filed in the Indian Office. I got them there this morning. I was informed by the Commissioner that this Indian inspector is no longer connected with the Indian service. I do not know that I am free to state why, but the Commissioner claims, practically, that he was an unfit man for the service. He stated that further investigations in this matter were made; that he thought reports were in his office, and that he would try and find them, but they have not been yet produced. The reports I have here were easily found. The reports exonerating Nardin and condemning O'Connell have not been produced. I doubt if they exist. Nickerson, Duclose, and Cochran are still in the service. McConnell, who had the courage to make these reports, is not.

McConnell, in his report, stated in effect that Superintendent Nardin and his wife, who at this time was the assistant matron, were incompetent for their places. Superintendent Nardin's wife is not now connected with the service. Superintendent Nardin, charged with the responsibility for these acts, is not only now in the service, but he has been promoted to a place in a school of a higher degree and receives a higher salary.

Let me read from an earlier report made from Inspector McConnell about Superintendent Nardin. It was made in October, 1899. It is quite lengthy, and I do not wish to encumber the RECORD with it. Any gentleman who wishes to see it can do so, and if he thinks he is justified he can place it in the RECORD.

First, as to who Nickerson is; this is from the report made to the Indian Bureau October 1, 1899, from Idaho.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that I may continue for five minutes longer.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may continue for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD (reading):

Nickerson was appointed and took his position April 1, 1898, at a salary of \$1,500. He is an old Grand Army man of unblemished character, but whether he possesses the ability to control the Indians on his reservation is a very doubtful proposition. In fact, I fear he does not.

From the same report:

This division is headed Wind River School. E. C. Nardin is superintendent of this school. He is 45 years old, and receives a salary of \$1,400 per annum. He entered the service March, 1894. Mr. Nardin is a former student of the Ypsilanti Normal School, in Michigan. He may be a good teacher, but he is totally unfit for the position of superintendent of any Indian school. The place has the appearance of decay. Its fences are down and everything seems to be going to wreck.

Mr. Nardin does not have the ability to secure the attendance of pupils, and after they are placed in the school by the agent and the police, he does not seem to be able to hold them there, many escapes being made by pupils while I was there; I think in all 40 girls and boys ran away. It does not seem as though it should be necessary for a representative of the Department to be obliged to go there and tell him that the children are not properly clothed. In a communication I sent you a few days ago, inclosing a copy of an order to the agent to transfer the matron, I explained to you the way they were clothed. Lengthy comments are not necessary. If this school is to be brought to any reasonable degree of success the management must be changed. I think likely Nardin could successfully fill a position of principal teacher, but he has not the executive and business ability to fill the office of superintendent.

Mr. Chairman, in the face of a report of that character this man was advanced in the service. If there are on file in the Indian Office any reports which exonerate this superintendent they certainly could have been found as readily as these reports. I would like to adopt the suggestion of my colleague, but I believe that, in the face of these reports, this House should take the responsibility now of saying whether this man shall remain in the service or whether he shall not. If there is any official document to exonerate him from responsibility for the acts charged here it should be produced here, and in the absence of it we are justified in assuming that it does not exist. While I regret that I can not adopt the suggestion of my colleague at this time, because such an investigation could not be had until this bill would be enacted into law, I propose to ask this House to vote upon the amendment and to assume the responsibility for this man remaining in the service.

Mr. LACEY. Mr. Chairman, I confess to considerable surprise at the last statement of my colleague on the committee [Mr. FITZGERALD], who has just taken his seat, insisting, in the face of the proposition made by the chairman of the Committee on Indian Affairs for a fair investigation of this matter, that this Committee of the Whole, in the hubbub of this debate—not one in a dozen members having listened to the gentleman; not one in a dozen having heard a word of what he said; not one in a dozen having the remotest idea of what he was talking about—should pass a proposition blackening the character of Mr. Narden, condemning him in the name of the American Congress. I say it does not comport with the usual fairness and candor and generosity of the gentleman.

Mr. Chairman, I am not here to defend Mr. Narden. I know nothing about the truth of any of these charges; but I know as much about the matter as the gentleman who has just taken his seat. We know that W. J. McConnell, who was an Indian inspector, has made these charges against this particular school superintendent. It further appears from the statement of the gentleman that Mr. McConnell is no longer in the Indian Service and that Mr. Narden still remains there. Now, with these two facts—

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. LACEY. Certainly, any question.

Mr. FITZGERALD. Allow me to say it also appears from the statement of the Commissioner that three other employees whose affidavits and statements I read are still in the service.

Mr. LACEY. No doubt.

Mr. FITZGERALD. Does not the gentleman think that if there were reports exonerating this superintendent they could have been found by this time in the Department?

Mr. LACEY. Could have been found! The gentleman sprung upon the House yesterday an anonymous document—a document that was—

Mr. FITZGERALD. An official document.

Mr. LACEY. A document that was laid upon his desk by some unknown person; and he permitted himself to be used as the mouthpiece to discharge in this House this anonymous accusation against a public officer.

Mr. GREEN of Pennsylvania. Will the gentleman allow me a moment?

Mr. LACEY. I can not yield now. I am answering the gentleman from New York.

The gentleman having made that charge, and his attention having been called to the fact that it was an unsigned document, the matter was laid over by unanimous consent until this morning. The Indian Commissioner was called upon. He promised to send the papers here at quarter before 12 o'clock to-day. He did so. At

twenty minutes before 1 o'clock the gentleman from New York, without any examination, without awaiting the examination proposed by the chairman of the Committee on Indian Affairs, asks this House ex parte, without a hearing, and when the House is in Committee of the Whole—in a capacity utterly unfitted for judicial consideration of anything—that it should pass upon and blacken the character of a man whom he does not know, of whom he never heard until yesterday, when this document was laid upon his desk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. I ask unanimous consent to occupy five minutes longer.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. LACEY. Now, Mr. Chairman, the proposition made by the chairman of the committee [Mr. SHERMAN] is a just one. Here are grave charges. They are charges which can not be lightly thrown aside. They are charges that this House is in no condition in this hurried way to act upon. Let this matter go to the committee for an investigation. In that way both sides can be heard. In that way we can learn why it is that McConnell went out of the service and Narden stayed in. We may find that these charges are fictitious, that they are false, that they are unfounded. I do not say that they are. But the fact that the Department dropped from the service the man who made them and retained in the service the man against whom the charges are made is at least worthy of consideration until we have had full information.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a moment?

Mr. LACEY. Certainly.

Mr. RICHARDSON of Tennessee. I have taken no part in this debate. I have had nothing to do with this matter. I have not investigated it. But in view of the charges made here yesterday afternoon, all of which have been printed in the RECORD this morning, could not the Commissioner of Indian Affairs have told us what the real facts are and why these men are in the service? Why do we need an investigating committee to find out those facts?

Mr. LACEY. I will explain to the gentleman. Inspectors are not agents of the Indian Commissioner; they do not report to him; they are the right-hand men of the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. Why has he not been heard from?

Mr. LACEY. He has not been called upon; he has made no report. The Commissioner of Indian Affairs has been called upon.

Now, I am quite sure my friend from Tennessee is too just a man to want to vote upon a proposition of this kind in this hurried way. Would the gentleman, in the face of this slight testimony which has been furnished on one side only—strong, perhaps, as a statement on one side, but which has evidently been explained upon the other to the satisfaction of the Interior Department—be willing to have this House act in this way upon it?

Mr. RICHARDSON of Tennessee. The point I was making was that if the Secretary of the Interior was familiar with the facts he has had twelve, fifteen, twenty hours now to have given us those facts.

Mr. LACEY. The Secretary of the Interior had no notice of this matter. His attention was called to it this forenoon.

Mr. RICHARDSON of Tennessee. Why is it that he did not pay attention to the debate in this House yesterday?

Mr. LACEY. There are many things in the debates of this House that the great American people never hear of.

Mr. RICHARDSON of Tennessee. Did the gentleman from New York [Mr. SHERMAN] not state that he had been telephoning to the Commissioner of Indian Affairs, an officer of this Interior Department? He certainly had knowledge of what was going on.

Mr. FITZGERALD. Will the gentleman from Iowa [Mr. LACEY] permit a question?

Mr. LACEY. Yes.

Mr. FITZGERALD. The gentleman called at the Interior Department this morning, did he not?

Mr. LACEY. I did.

Mr. FITZGERALD. You were shown these reports which I have?

Mr. LACEY. I was.

Mr. FITZGERALD. They were produced?

Mr. LACEY. They were.

Mr. FITZGERALD. They were not able to produce any other reports?

Mr. LACEY. I did not ask for any. The Secretary informed me that the matter had been investigated and that Mr. McConnell had not been reappointed. I was on my way to a committee meeting, and I only stopped for a moment.

Mr. GREEN of Pennsylvania. Will the gentleman permit a question?

Mr. LACEY. I am not ready to convict a man on five minutes'

notice. I am more charitable than my friend from New York [Mr. FITZGERALD]. I do not want to blacken the character of any man on the floor of this House without a hearing. I am not here to defend him, but I say that he is entitled to a fair hearing, and that it is an outrage on decency and justice for anyone on the floor of this House to read, in the nature of an indictment, an unsigned document containing a charge made by a discharged official, and then ask this House upon that, without a hearing, during the discussion of this appropriation bill, to withdraw the appropriation for a great Indian school because this man has not been discharged.

Mr. SHACKLEFORD. I would ask the gentleman how this matter can be examined?

Mr. LACEY. By the Committee on Indian Affairs.

Mr. SHACKLEFORD. What assurance have we that that will ever be done?

Mr. LACEY. What assurance do we need any further than that Congress directs it to be done?

Mr. SHACKLEFORD. How can we get Congress to do that?

Mr. LACEY. The gentleman offers a proposition appointing a committee to do it.

Mr. SHACKLEFORD. Might not that go into a pigeonhole, like other things brought up in the House?

Mr. LACEY. I take that inquiry of the gentleman for what it is worth.

Mr. SHACKLEFORD. The gentleman knows that that is what has been done with all of the requests for investigation that have been introduced into this House in this Congress; they are in a pigeonhole to-day.

Mr. LACEY. The gentleman's remedy, then, is, if anyone is charged with a crime for the House of Representatives to convict him without a hearing.

Mr. SHACKLEFORD. What is your suggestion for a remedy?

Mr. LACEY. My suggestion is to have this investigated, to have the records on both sides investigated.

Mr. SHACKLEFORD. But it will not be done.

Mr. LACEY. When the gentleman says that, he simply does not do himself or his colleagues on the floor of the House sufficient credit.

Mr. SHACKLEFORD. I happen to know of others asking for investigation in the various things that occur in this Government, and they are simply thrust into the pigeonholes of the desk in some committee, and the gentleman from Iowa knows it.

Mr. LACEY. I know nothing of the sort.

Mr. GREEN of Pennsylvania. The gentleman expressed great surprise that there was only one of these pamphlets, while orders were given to the document room to suppress that document.

Mr. LACEY. The document ought never to have been published in that form. No unsigned document attacking the character of an individual ought to disgrace the records of the Congress of the United States.

Mr. GREEN of Pennsylvania. I would like to ask who has the right in this House to suppress documents?

Mr. LACEY. It was an outrage to print that document without the signature of Mr. McConnell, and to lay it upon the desk of a member of this House.

Mr. GREEN of Pennsylvania. I think that has been going on before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. The charges here presented and about which we have been talking for an hour or two are most serious. Nobody who is fair-minded, it seems to me, can deny that fact. Upon their face they reflect upon the Indian Service. There is no denying that fact, but from everything that we have before us now it is ex parte. There are few questions that have ever come under my observation that have not two sides.

I do not know what the other side of this question is, and I want to know it. The amendment offered by my colleague from New York will cure no defects. It simply provides that the pay of a superintendent at a particular school be withheld while the present superintendent is there, and this law does not go into effect until the 1st of next July. If there is in the service a superintendent who is knowingly, or even carelessly, permitting debauchery to occur at his school, he ought not to be in the service until the 1st of July.

If my colleague will agree with me, I would say to him that I will offer as a separate resolution in the House, as soon as this bill is disposed of, the proposition which a while ago I suggested to him I would offer as an amendment to the bill. I shall offer it broadened in its scope, so that the committee can have the power to inquire what knowledge any Government official had of these transactions or kindred ones, and what action they took thereon, and how and why this superintendent was transferred to the other school.

Mr. LITTLE. Will the gentleman yield for a moment?

Mr. SHERMAN. Yes.

Mr. LITTLE. I should like the investigation to be broad enough to ascertain why Superintendent McConnell is now out of the service.

Mr. SHERMAN. I am entirely willing that the resolution should cover that ground also.

Mr. LITTLE. If he made a report which was justified by the facts he had in his possession, and was withdrawn from the service on that account, it is a greater outrage than the other.

Mr. SHERMAN. The gentleman from Arkansas, of course, is correct. My understanding is that Mr. McConnell was not dismissed from the service, but that his term expired.

Mr. LITTLE. I know nothing about that.

Mr. SHERMAN. But I agree with the gentleman. It would appear here now from what we have before us that the man against whom the charges were made had been promoted and the official making the charges is no longer in the service. That is a peculiar condition of affairs. There must be some explanation of it, and that explanation I desire to get.

Mr. CANNON. Will the gentleman allow me?

Mr. SHERMAN. Yes.

Mr. CANNON. For the first time I have seen and glanced through the document that the gentleman from New York [Mr. FITZGERALD] has quoted here. As I glanced over it I did so with surprise, because, if it be a document that affects the character of somebody in the public service, it is so vague, so contradictory that it seems to me, whatever the facts may be, a man ought to have paused long before he put it in the shape of a document, after full investigation, and longer before he brings it before the House as fact, as something that is reliable. I trust that the gentleman from New York [Mr. SHERMAN] will offer his resolution.

Mr. FITZGERALD. Will the gentleman permit me?

The CHAIRMAN. The time of the gentleman from New York [Mr. SHERMAN] has expired.

Mr. FITZGERALD. I should like to ask the gentleman from Illinois a question.

Mr. CANNON. I have not the floor.

Mr. SHERMAN. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SHERMAN. Now, I will yield to the gentleman.

Mr. FITZGERALD. Does the gentleman from Illinois refer to these official reports that are on file now in the Department or does he refer to the Senate document?

Mr. CANNON. I refer to the Senate document upon its face; contradictory, loose in structure, with scandalous matters in it, and if it had been presented to me to affect my judgment, let alone to use in the House, I should have said, "It is not satisfactory;" and upon the face of it, contradictory as it is, I would not make a scandal, I would not even in my own mind condemn a dog upon it without investigation and knowledge. [Applause.]

Mr. FITZGERALD. Does the gentleman know that on file with that report were the affidavits of three employees of the service sustaining it, which employees are to-day in the Indian service.

Mr. CANNON. I am speaking of what is on the face of the document.

Mr. FITZGERALD. I have produced here what is on file in the Department to substantiate it.

Mr. CANNON. Oh!

Mr. FITZGERALD. And nothing has been produced from the Department which disproves the truth of the allegation.

Mr. CANNON. I am speaking of the document. Whatever the facts may be, the statements upon that document ought not, in my judgment, without further inquiry, to have been spread upon the official records of Congress. That is all I desire to say.

Mr. SHERMAN. May I ask my colleague from New York [Mr. FITZGERALD] if, in view of my statement that I will offer this resolution of inquiry, he desires to press his amendment?

Mr. FITZGERALD. In view of the fact that this resolution will be offered in the House providing for an immediate investigation, I will withdraw the pending amendment.

Mr. SHERMAN. I ask the Clerk to read.

Mr. SIMS. I should like to ask the gentleman if that will not be subject to a point of order?

Mr. SHERMAN. I am sure that the gentleman is familiar with the rule as to resolutions of inquiry offered in the House; but I propose to ask unanimous consent for its immediate consideration.

Mr. KLEBERG. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KLEBERG. Mr. Chairman, I do not rise to make a defense of the Germans, either on this side or the other side of the Atlantic, or in any other part of the habitable globe. They need no defense, as history has assigned them the most prominent part in modern civilization. A race which, like the Greeks and the Romans in ancient times, has in mediæval and modern times contributed more to civilization than any other; a race which has adorned history with a Charlemagne, a Frederick the Great, a Blucher, a Moltke and a Bismarck, a Lessing, Goethe, Schiller, and Heine, a Humboldt, Kant, Hegel, and Haeckel, a Mozart, Mendelssohn, and Wagner, and has won high if not first honors both in war and peace, and has laid the foundation to personal, civil, and religious liberty, needs no defense at the hands of anyone, as that would be a work of supererogation.

But I want to emphasize the fact that this is not a time to haggle and quibble about trifles in the reception of the accredited representative of Germany. He will soon reach our shores, and whatever may have been done and said which should have been left undone or unsaid, it now behooves this great nation to extend to him and the great nation which he represents a hearty welcome and a true American hospitality. Let us not attempt at this time at least to make a political question of this historic event, but let us, as one people, in the light of our free institutions, and mindful of the friendly polity due by one great nation to another, cement the good relations which exist and, I trust, may continue to exist between Germany and the United States. [Applause.]

The Clerk read as follows:

For support and education of 300 pupils at the Indian school, Riverside, Cal., \$50,100; for additional compensation for superintendent of Ferris school, performing duties as superintendent of this school, \$300; for new buildings, to increase the efficiency of the plant, \$25,800; for industrial-farm buildings, \$15,000; for general repairs and minor improvements, \$5,000; in all, \$96,200.

Mr. DARRAGH. Mr. Chairman, I move to strike out the last word.

I desire to say, Mr. Chairman, that I was surprised, and I believe the House was surprised, at the charges made by the gentleman from New York against Superintendent Nardin of the Mount Pleasant, Mich., Indian school, an official of the United States Government who is serving in the eleventh district of Michigan, which district I have the honor to represent on the floor of this House. I am not specially interested in the gentleman against whom this attack has been made. I am only interested in him as I would be in any man whom I believe to be unjustly charged with neglect of duty, charged with criminal negligence upon the ex parte evidence of a discharged and discredited man, a man who seeks thus to get even with the Secretary of the Interior, who seeks revenge for the loss of his official position.

I am, however, interested in the welfare and in the good name of the school over which Superintendent Nardin presides. I am also interested to the extent that I visited this morning the Commissioner of Indian Affairs to inquire why a man charged as Mr. Nardin, the superintendent of the Indian school at Mount Pleasant, was charged yesterday by the gentleman from New York with incompetency, with fostering immorality, was sent into my district, into a community of educated and cultivated people, to preside over that school, if there was any just foundation for the charges brought against him. I was also interested in a general way in the efficient service of the Indian Department.

I was informed by the Commissioner, or rather by the gentleman to whom he referred me for the information, that Mr. Nardin, prior to the report of Mr. McConnell, had never had an adverse report made against him. I was also informed that Mr. Nardin, during his present service at Mount Pleasant, had a most excellent record with the Department. I have twice visited Mr. Nardin and his school, and investigated the school myself. The people of that town are thoroughly satisfied that it is a well-managed school; that Mr. Nardin himself is a creditable superintendent, a scholarly man, and a Christian gentleman; that much is admitted by Mr. McConnell, whose report the gentleman from New York purported to have read. This man should not, without a hearing, be branded as a disreputable character. He does not shrink from a thorough investigation of the charge against him. In this connection I beg to read and make a part of my remarks a telegram received by me in response to one sent him, as follows:

MOUNT PLEASANT, MICH., February 20, 1902.

A. D. DARRAGH,  
Representative, Washington, D. C.:

I was in charge of the Wind River School as superintendent under Captain Nickerson, agent of Shoshone Reservation. I challenge full investigation of my conduct there, and no attempts at immorality here. Precautions ample.

That there is no immorality in the Mount Pleasant Indian School I know from the consensus of opinion of the entire city in which the school is located; I know it from the general repute, and I know it from personal investigation, and no whisper of the character represented in the reports which have been read here was

ever heard in that entire community relative to the school at Mount Pleasant. Reading further his telegram, he says:

No Indian girl at Shoshone will charge me with improper conduct or toleration of such on their part.

E. C. NARDIN.

Now, Mr. Chairman, I make these remarks because I believe this gentleman has been unjustly charged. If he has been negligent, criminally negligent—if he is either, I am not here to defend him. I will protect no man who is guilty of charges such as are brought against this man; but I do claim that he ought not to be condemned without a hearing, and a hearing should be accorded to him since such is his desire. [Loud applause.]

The Clerk read as follows:

For support and education of 550 pupils at the Indian school, Salem, Oreg., \$91,830; for pay of superintendent at said school, \$1,800; for improvements to sewerage, \$5,000; for general repairs and improvements, \$5,000; in all, \$104,850.

Mr. SHERMAN. Mr. Chairman, I offer an amendment to correct the computation.

The Clerk read as follows:

On page 54, line 25, strike out "thirty" and insert in lieu thereof "fifty;" on page 55, line 4, strike out "eight" and insert in lieu thereof "six."

The amendment was agreed to.

The Clerk read as follows:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., \$25,050; pay of superintendent, \$1,500; general improvements, \$4,000; in all, \$30,550.

Mr. JONES of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After line 24, page 56, insert:

"For support and education of 250 pupils in the Puyallup Indian School, at Tacoma, Wash., \$25,050; for new buildings and improvements, \$20,000; for repairs, \$2,000; in all, \$47,550."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that amendment.

Mr. JONES of Washington. I hope the gentlemen will reserve his point of order.

Mr. SHERMAN. I will reserve the point of order to give the gentleman from Washington an opportunity to explain the amendment.

Mr. JONES of Washington. Mr. Chairman, I realize that this amendment is subject to a point of order, as far as that is concerned. I believe that there is one other provision in the bill relating to the establishment of these schools that is also subject to a point of order, but I have not seen fit to make it, for I do not think it ought to be made.

I believe the circumstances connected with this school fully warrant and justify an appropriation of this character in the interests of the Government. There are in the State of Washington, according to the statistics furnished by the Commissioner of Indian Affairs, over 13,000 Indians. The school at Tacoma is located so that it is probably more easily reached from all points of the State than any other point we have. A great many of these Indians live on the west side of the mountain, and communication by rail and water is of the very best. Connection with all eastern points is also direct. We ask nothing in this appropriation for this school in the way of paying the expenses of the transportation of the Indian pupils to this school. This is a great saving to the Government, as will be seen by referring to the appropriations in this bill for such purposes.

I listened with a great deal of interest yesterday to the debate in relation to the education of Indians in these Indian schools, especially in those of the East, and its effect upon the Indians when they go back to their tribes after having spent three or four years surrounded by the blessings of civilization which they have in the schools in the East.

I sympathize very much with the objection made to this manner of educating these pupils, but these objections would not apply to this school, if established. Upon the Puyallup Reservation the pupils would be surrounded by their own people, as well as by the influences of civilization. They would be educated and grow up under the influence of refinement and culture, just as in the East, tempered and strengthened by the home life of the Indians themselves. This school is located within about two miles of the city of Tacoma; materials and everything necessary in building up a fine school can be secured by the Government at the very lowest possible expense.

Buildings can be constructed and repaired by the Government at the very lowest cost. All classes of supplies can be secured there at the very lowest cost to the Government and the Indians, and it seems to me it is for the interest of the Government itself that the children of the 13,000 Indians of the State of Washington should have a school among their own people, as well as to be surrounded by the civilization of our people, so that when they get through the school and go back to their homes their surroundings will not be of so different a character from what they have been

used to as to discourage them and almost force them into the old walks of life.

I can sympathize, gentlemen, with the pupil who has spent three or four years in the civilization of our Eastern schools and then goes back to his tribe and lives in a tepee, and in the squalor and the dirt with which he is likely to be surrounded. It can not result in anything else except degradation and the loss of four years that he has spent in civilization among people of refinement. He is likely to sink lower than he would if he had not attended the school. You need not fear the surroundings. The refinement and culture of the people of Tacoma are inferior to none in the East. They have the further advantage that they know the Indian. They know how to treat him and they are in most hearty sympathy with all practical attempts to advance him.

If you should establish this school there, we have the Indian farms, we have the Indian community, we have Indians who are to-day generally educated and have adopted the habits of civilized people, have adopted the dress of civilized people, and the influences that surround these Indian pupils will not leave them when they leave the schools, but continue with them and tend to purify, elevate, and make them citizens in fact and spirit as well as in name. Instead of retrograding, they will advance. They will rise and not fall, and in their rising they will bring their associates with them.

It seems to me that, considering all the circumstances there, considering all the conveniences, considering the cheapness of material, the cheapness and facility of transportation, it is for the interest of the Government and the solid advancement of the Indians that we should have this school established in the State of Washington. I sincerely hope that the chairman of this committee will allow this appropriation to go in. Another school is provided for in the bill, subject to a point of order. I do not believe the point of order ought to be made. I believe the provision should be adopted, and I trust most sincerely that the chairman of this committee will allow this amendment to go in and not insist on his point of order.

Mr. SHERMAN. Mr. Chairman, there are about 12,000 Indians in the State of Washington. They now have 23 schools. Six are boarding schools. I think the facilities are ample for all the school children. Certainly I can not consistently, I think, with my duties as chairman of the committee, withdraw the point of order in this case. The gentleman should have presented his proposition before the committee. He says there are other provisions in the bill subject to a point of order. He is right; I called attention to many of them when I first presented the bill, but all of these provisions were considered by the committee and inserted in the bill. This proposition is a provision never considered by the Committee on Indian Affairs, and I must insist on the point of order.

Mr. JONES of Washington. If the gentleman will permit me. He says that this should have been brought before the committee. That is probably correct. I assumed that this had been done until the statement of the chairman was made.

Mr. SHERMAN. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior; and his action in these respects shall be conclusive and not subject to review by any other executive officer: *Provided*, That not more than \$167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. CANNON. I raise a point of order on the following provision following "Secretary of the Interior," in line 17 of the paragraph just read:

And his action in these respects shall be conclusive and not subject to review by any other executive officer.

I make the point that this provision changes existing law. The law is that all expenditures of public money made everywhere shall be settled by the auditing offices of the Treasury Department. There has been only one exception to this rule, so far as I know, in the public service, and that has had relation to the House of Representatives and the Senate of the United States. In the urgent deficiency bill, recently passed, Congress showed its exceeding good sense in changing the law as regards this exception, and bringing the lawmakers of the Republic under the same

rules which apply to other officials. The change of law proposed in the words I have just read would render unnecessary, improper, impossible, the auditing of these accounts by the Treasury Department. I therefore make the point of order.

The CHAIRMAN. The Chair regards the point of order as well taken, and it is therefore sustained.

The Clerk read as follows:

SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, and if there be both adult and minor heirs, then the minor heirs may join in such sale and conveyance by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without a waiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate.

Mr. STEPHENS of Texas. Mr. Chairman, I raise a point of order on this section. A part of the section I have no objection to—that part providing "that the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued," etc., down to the conclusion of the first sentence. I have no objection to this first sentence of the section, but the second sentence I do object to.

Mr. SHERMAN. If the gentleman has no objection to a part of the section, might he not raise his point of order against simply that part to which he objects and which he desires to strike out, as to which I am ready to concede the point of order?

Mr. STEPHENS of Texas. Will the gentleman concede the point of order as to the sentence following what I have just read?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Then I raise a point of order against that part of the section, being after the word "allottee," in line 24, down to the word "restriction," at the end of the sentence.

Mr. SHERMAN. I concede that the point of order is well taken. There is no question about that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTLE. Before we pass this section there is one point about which I would like to have some information. The matter to which I refer is the sale of the allotments or inheritances provided for here. I do think if they constitute the home of a family they ought not to be sold during the widowhood of the mother or the minority of any child or children. I do not know the conditions affecting these particular tribes. I suppose, however, that if there is a family the home would be upon the homestead of the father.

Mr. CURTIS. The father or the mother; it might be either.

Mr. LITTLE. I presume there would be but one family home. Now, I very much doubt the propriety of selling the home—

Mr. CURTIS. If the gentleman desires to offer an amendment that this provision shall not apply to a homestead, I have no objection.

Mr. LITTLE. I think it would be safe to insert such a provision. I have not the amendment prepared, but I ask the Clerk to take it down and read it.

The Clerk read as follows:

*Provided*, That the sale herein provided for shall not apply to the family homestead during the life of the father or the mother or the minority of any child or children.

Mr. CURTIS. I see no objection to that amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. ROBINSON of Nebraska. Mr. Chairman, I do not desire to make any opposition to this section, but I would like to be heard in regard to another matter, in view of the fact that the Indian Committee has decided to make a partial examination concerning certain Indian affairs.

Mr. SHERMAN. I am going to insist on the rules being observed, so far as this matter is concerned. When we have reached the end of the bill, if the gentleman desires to talk about another subject I shall not object.

Mr. ROBINSON of Nebraska. All right.

The Clerk read as follows:

SEC. 8. That the judge for the Indian Territory, appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," shall reside at Muskogee, and hold terms of court at all places of holding court within the boundaries of the Creek country and the Seminole country, and court shall be held at the places now provided by law in the northern district of the Indian Territory and at the towns of Okmulgee, in the Creek country, and the town of Salisaw, in the Cherokee country.

Mr. LITTLE. I desire to offer an amendment correcting the

spelling of the word Sallisaw. In the bill it is spelled with only one "l;" it should be S-a-l-l-i-s-a-w.

Without objection the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That rations shall not be withheld from any Indians, where provided by treaty, by reason only of attendance at any Government school.

Mr. SHERMAN. I offer an amendment, which I ask the Clerk to read. The amendment places the section in the words that it should have been printed in. It was an error as printed.

The Clerk read as follows:

After the word "any," in line 25, page 62, insert "other than a."

Mr. HENRY C. SMITH. Mr. Chairman, I reserve a point of order against that section.

The CHAIRMAN. Does the gentleman reserve a point of order against the amendment?

Mr. SHERMAN. I think the gentleman means against the section after it is amended.

Mr. CANNON. The gentleman will have to reserve his point of order. I want to say, whatever his point of order may be, it must be made before the section is amended, unless the amendment is to correct the text and by unanimous consent stands as the committee intended to have it.

Mr. SHERMAN. It is to correct the text. It was erroneously printed. I ask unanimous consent that the amendment be agreed to, and then the gentleman [Mr. HENRY C. SMITH] has the floor to raise his point of order, if he desires.

Mr. HENRY C. SMITH. Reserving the point of order, I should like to inquire what the purpose of the amendment is.

Mr. SHERMAN. The provision without the amendment is existing law, and the purpose of the amendment is to make it possible to give the ration to children at schools other than Government schools. Under existing law you can not give the ration to children in a Government school, any school.

Mr. HENRY C. SMITH. Then the amendment will change existing law?

Mr. SHERMAN. There is no question about that.

The CHAIRMAN. Without objection, the formal amendment will be agreed to.

There was no objection.

Mr. HENRY C. SMITH. Now, I make the point of order against the section that it is in violation of existing law, and I desire to be heard upon that.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. LACEY. The gentleman from New York [Mr. SHERMAN] concedes that it changes existing law.

Mr. HENRY C. SMITH. Unless it is admitted to be well taken.

The CHAIRMAN. The Chair sustains the point of order. It is well taken.

Mr. FITZGERALD. I wish to ask the gentleman [Mr. HENRY C. SMITH] if he understands that this provision was put in here because a construction is placed upon the law which was never intended to affect these rations? The Commissioner of Indian Affairs came before the committee and expressed the hope that some such provision would be put in. These schools not controlled by the Government are doing a great work in the education of these Indians. Somebody in the Department has construed a law preventing the appropriation of money for schools not controlled by the Government to apply to rations provided for by treaty. This amendment only provides that where an Indian is entitled under a treaty to rations that the Department shall not withhold those rations because he attends some school that is not controlled by the Government.

Mr. HENRY C. SMITH. I understand that in the Fifty-fourth Congress, and in the treaty itself, the status of the schools and the status of the Indians were fixed, and the policy of this Government was twice declared by Congress upon that proposition, and it ought not to be departed from unless we know what the situation is.

The CHAIRMAN. The Chair wishes to call the attention of the gentleman to the fact that the debate is entirely informal.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may make his statement.

Mr. HENRY C. SMITH. Do I understand that the point of order is sustained?

Mr. FITZGERALD. Will the gentleman permit me to make a statement?

Mr. HENRY C. SMITH. No, sir; I decline to yield.

Mr. ROBINSON of Nebraska. I ask unanimous consent to be permitted to be heard for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there any objection? [After a pause.] The Chair hears none. The gentleman may proceed.

Mr. ROBINSON of Nebraska. I want to speak, Mr. Chairman, at this time upon the matter of the Winnebago Indian lands at

the Winnebago Agency in the State of Nebraska, as to how that agency is being carried on and conducted. Twenty years ago it was the object of the law to assign to these Indians their lands to be held by them in severalty, with a view that after twenty-five years of holding the land they would then be able to conduct their own affairs and manage their own business. Pending these twenty years the Winnebago Indians, together with the Omaha tribe, have been given the right to vote and in every other respect have been given all the political rights of a citizen.

After twenty years, Mr. Chairman, with only five years remaining within which time the Indians of that tribe will be given full control of their land, with the right to sell, dispose of, and manage the same, there has grown up a system which is a disgrace to this Government and its manner of carrying on its affairs with the Indians. The Indian is sent off to school, is educated at the expense of the Government, brought back to his tribe, and yet, under the system in force in the Omaha and Winnebago Agency, he can not lease one acre of his own land, with all his education.

The system which has grown up requiring what are known as middlemen to stand between the rights of the Indians and this Government has resulted as follows: These middlemen form together and arrange to lease the Indians' lands in tracts of from 1,000 to 15,000 acres. The Indian can not bring a white man to rent his land, and take him to the agent and say: "I desire this man as my renter." He can do business in no particular at all, although he is allowed the full right to vote. These middlemen rent this land in the first instance and give security for the payment of the rent, paying from 50 cents to a dollar per acre, and during the past year much of this land realized to them \$5 per acre. The land I speak of is as good land as any in the whole State of Nebraska. It lies within 15 miles of Sioux City, Iowa, on the Missouri bottoms, and there is no fairer land for agricultural purposes.

Mr. STEPHENS of Texas. Who rents this land?

Mr. ROBINSON of Nebraska. Every lease must be approved by the Indian agent. The Indian agent declines to approve any lease offered by the Indian himself, claiming that the number of leases is so large that he can not possibly take up his time in doing that. Therefore he insists that the land shall be leased in large tracts or bodies, so that the Indian is unable to do any business, so far as his own land is concerned, and he is approaching the end of the twenty-five years without anything saved from his land. That land is worth \$50 an acre, and will bring from \$3 to \$5 per acre per year in the way of rents; yet the Indian gets the poor pittance of 50 cents to \$1 per acre per year, while the middleman who leases them in large tracts obtains the balance of the benefits.

Mr. STEPHENS of Texas. Has this land been allotted to the Indians?

Mr. ROBINSON of Nebraska. This land has been allotted to the Indians.

Mr. STEPHENS of Texas. Are these Indians citizens of the State?

Mr. ROBINSON of Nebraska. They are citizens of the State.

Mr. STEPHENS of Texas. Then why is it that they can not control their own individual allotments of land?

Mr. ROBINSON of Nebraska. They are not allowed that right under the existing law.

Mr. STEPHENS of Texas. Under the existing law?

Mr. ROBINSON of Nebraska. They can not sell their own lands yet. They are the same as wards of the Government, and they will be in that condition until the end of the twenty-five years. They can not lease or sell their lands except as approved by the Indian agent who is stationed at that place.

Mr. STEPHENS of Texas. And I understand you to state that the Indian agent refuses to rent it for what it will bring, but instead of renting it for \$2.50 an acre or more, he puts it down to 50 cents.

Mr. ROBINSON of Nebraska. He refuses to allow the Indian to select his own tenant. He insists that the land shall be rented only through these middlemen, in large tracts, and he can use any kind of favoritism that he desires in regard to the approval of the lease; so that the business is put into the hands of men who can handle large tracts of land and who have a stand-in with the agent. They lease this land at a low price, and then they sublease it to the white men. The Indian himself can not select the man to whom he shall rent the land, even if he himself does not desire to occupy it, which he does not. He can not select a man, make a bargain with him, bring him to the agent, and say: "I desire to make a lease of my land to this man."

Mr. STEPHENS of Texas. That is only in harmony with the other actions of the Interior Department with reference to Indian affairs.

Mr. SMITH of Kentucky. It is an outrageous condition.

Mr. ROBINSON of Nebraska. I submit that the Winnebago Indians and the Omaha Indians deserve something better at the

hands of the Government than this treatment in the way of training them to conduct their own affairs and manage their own business. I say that it should be the duty of the Indian Department to ascertain which of these Indians are able to do business among those that we have educated, and drilled, and had experience with, and take them out from under the control of the agent.

I make no accusation against the Indian Commissioner in this case; but I say it is his duty to allow such of the Indians as are able to take care of their own lands and to make their own arrangements with reference to them to do so. I am not saying but what there are some Indians who would occasionally happen upon a bad man to whom to lease their land. We are not always lucky ourselves, so far as that is concerned, in our business dealings; but I do say, if you are going to develop their business capacity at all, now is the time to say which of them are able to do business for themselves, and allow them to go ahead and transact their own business.

Careful investigation would show any Indians of these two tribes who, on account of the lack of education, experience, or training, may still be unable to transact their own business affairs. In such case a system should be inaugurated which would protect their rights and give them the full rental value of their lands, and not leave them, as they are now, the victims of a system of robbery which is degrading to them and is piling up wealth in the hands of the men who control this system, and who, by pulling with the Indian agent at that place, can keep the Indian owner of the valuable land a pauper while they grow wealthy from this systematic practice of oppression and robbery.

Mr. SHERMAN. I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that it do pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11353, the Indian appropriation bill, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit the amendments to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

#### COMMITTEE OF INVESTIGATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Indian Committee of the House, through a subcommittee thereof, investigate the entire subject of the conduct of Superintendent Nardin while in charge of the Shoshone school and any of his subordinates, the condition then and now existing there, and the conduct of students then and now there; what knowledge any Government official had of the alleged immorality there, what action they took thereon, and how and why Superintendent Nardin was transferred, and when and why former Inspector McConnell was separated from the service; and for that purpose they are authorized to send for persons and papers and to administer oaths, and the expenses thereof shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LACEY. I would like to inquire of my colleague whether he thinks the resolution ought to be broad enough to inquire into what this man is doing now, because it is a question of retaining an unfit, bad man in the service? That is the gravamen of the charge.

Mr. SHERMAN. That perhaps is right.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

#### ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Claims, moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in pursuance of the order made in respect thereto.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills upon the Private Calendar in pursuance of the rule, and the Clerk will report the first bill.

DANIEL CHERRY.

The first business on the Private Calendar was the bill (H. R. 621) for the relief of Daniel Cherry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Solicitor of the Treasury be, and he is hereby, authorized and directed to convey, in the name of the United States, to Daniel Cherry, of Henry County, Ala., all right, title, and interest that the United States has in or to the property formerly belonging to said Daniel Cherry, described as follows: One house and lot situated in the town of Dothan, Ala., and bounded on the north by Washington street, on the east by H. V. Lee's lot, on the south by lot owned by Dave Walden, and on the west by lot owned by B. M. Stripling, containing 1½ acres, more or less, being fractional part of the northeast quarter of the southeast quarter of section 24, township 3, and range 26, in the county of Henry, State of Alabama, the said property being the same that was levied on, sold, and conveyed to the United States in satisfaction of a certain judgment recovered by the United States in the United States circuit court for the middle district of Alabama in a suit on the forfeited bail bond of said Daniel Cherry, the said Cherry having afterwards appeared and was tried and acquitted on the charge made in the case in which said bail bond was given: *Provided*, That before such deed is delivered by the Solicitor of the Treasury the sum of \$50.30 shall be paid over to the Secretary of the Treasury to cover the cost of such forfeiture proceedings in the United States circuit court for the middle district of Alabama.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia [Mr. OTEY] who reported the bill.

Mr. OTEY. Mr. Chairman, I just ask to have the report read. I think that is all I will say with reference to the matter for the present.

The report (by Mr. OTEY) was read, as follows:

The Committee on Claims have had under consideration House bill 8364, and beg leave to recommend that it do pass.

This bill was unanimously reported at the last session of Congress. It was referred to the Department of Justice by Hon. H. S. BOUTELL, the chairman of the subcommittee to which it had been previously referred, which letter is appended, as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
Washington, D. C., May 4, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of 30th ultimo, transmitting a copy of a bill (H. R. 8364) authorizing and directing the Solicitor of the Treasury to convey to one Daniel Cherry certain property in the town of Dothan, Ala., which was levied on, sold, and conveyed to the United States in satisfaction of a judgment recovered by the United States in a suit on forfeited recognizance of said Cherry.

In anticipation of this call for information I wrote to the United States attorney at Montgomery, Ala., for a statement of the facts in the case, and under date of February 23 last that officer reported as follows:

"On November 23, 1892, a judgment was taken against one Daniel Cherry on a forfeited recognizance in case No. 5498 in the circuit court of the United States sitting at Montgomery, Ala.; that on May 9, 1893, the original case against him was continued; that May 19, 1893, the judgment on the forfeiture was made final against said Cherry, and that on November 9, 1894, said Cherry was acquitted."

The United States attorney further stated that the cost amounted to \$50.30, or \$5 more than the amount of costs as stated in the bill.

If, as appears from the United States attorney's report, Daniel Cherry was subsequently tried and acquitted of the charge against him, I can see no reason why he should not be granted the relief contemplated by the bill to which you call my attention. I think, however, that the true amount of the costs incurred in the case (\$50.30) should be inserted in the bill; and I also note that the name "Walding" in line 11, page 1, of the bill is probably erroneous. According to the deed to the United States the name should be Walden.

Very respectfully,

F. A. REEVE, Acting Solicitor.

Hon. H. S. BOUTELL, M. C.,  
Chairman Subcommittee on Claims,  
House of Representatives, Washington, D. C.

Mr. OTEY. Mr. Chairman, the original bill of the House has this amendment of \$50.30, and, being recommended by the Department, the committee bring in a unanimous report. I move that the bill be now laid aside with a favorable recommendation.

Mr. CRUMPACKER. One question. This bill, as I understand, authorizes the transfer of the property on the payment of \$50.30 in accordance with the letter of the Secretary?

Mr. OTEY. Yes, sir.

Mr. CLAYTON. Mr. Chairman, this bill is necessary, because under the rules which obtain in the Alabama courts, State and Federal, after an adjournment of the court it was not within the power of the court to set aside its judgment, and this is the only possible relief. And it is refreshing, perhaps, to the membership of this House to know that this bill proposes to put money into the Treasury rather than take money out.

Mr. GRAFF. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MARY CHAMBERS.

The next business on the Private Calendar was the bill (H. R. 7020) for the relief of Mary Chambers, widow of Thomas Chambers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay out of any money in the Treasury not otherwise appropriated, to Mary Chambers, widow of Thomas Chambers, deceased, of Mackinac, Mich., the sum of \$3,654.50, in full compensation for the additional expenses incurred by him, the said Thomas Chambers, deceased, in carrying the Canada mails, as contractor on route No. 2413, from Sault Ste. Marie, Mich.,

to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

Mr. GRAFF. I yield to the gentleman from Michigan [Mr. WEEKS] who reported the bill.

Mr. WEEKS. Mr. Chairman, this bill was introduced by my colleague [Mr. SHELDEN] and referred to the subcommittee of which I was chairman, and therefore I investigated this case and made the report. The bill is for the relief of Mary Chambers, who is the widow of Thomas Chambers, in whose behalf the bill was originally introduced in a previous Congress. It appears in this case that Thomas Chambers took a contract to carry the mail from Mackinac to Sault Ste. Marie for four years, the time expiring in 1879.

In response to an invitation of the Post-Office Department, made in October, 1874, for bids for carrying the mail on this route, Thomas Chambers filed his proposal in conformity with the Department instructions, and his bid of \$1,675 was accepted. Now, without stopping to read the report in full, it appears that afterwards, by some change in the mail service, a large quantity of mail from Canada was precipitated upon his route, never contemplated nor dreamed of at the time the contract was made, and it enlarged the burden and required more carriage capacity, and during the winter season, in the deep snows, it was a very difficult matter to get through with the enormous amount of mail which was unexpectedly precipitated upon this contractor, and this is fully set forth in the report.

Now, I do not know that I need to go through the facts any further than this. The point made by the Department was that they needed celerity, certainty, and security, and therefore such means as were necessary to transport the whole of this mail, whatever might be its contents or weight or increase during the term of the contractor. Now, this proposition was met by the contractor and the mail was carried at great exposure, at great danger, and it was a very hard and laborious piece of work. It was faithfully carried out to the end.

Afterwards, having used his practical experience in this matter and accomplished his contract, this claim is presented for carrying the mail. After going all through the facts the opinion of this committee was that "the case does not involve a mere question of technicality. It is one of equity and justice. Even by the terms of the contract the Department did not hold an advantage whereby it could demand this extra service for which there was no adequate compensation." The man was required by the Department to perform a very large amount of labor not contemplated by the original contract.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. WEEKS. Certainly.

Mr. CRUMPACKER. It appears from this report that the man Chambers made a valid contract with the Government to carry the mail for a stipulated sum, and it seems from the statement copied into the report made by the committee in the Senate that the mail was larger than he anticipated, but was all within the terms of the contract.

Mr. WEEKS. No; I would hardly concede that.

Mr. CRUMPACKER. How did he come to carry it if it was not within the terms of his contract?

Mr. WEEKS. When the contract was made this extra mail was not brought from Canada and precipitated on that route. That was something done afterwards by some new mail arrangements of the Department. He never contracted to carry that mail.

Mr. CRUMPACKER. Does the Post-Office Department recognize any claim, legal or otherwise, in regard to the matter?

Mr. WEEKS. Oh, many times such bills have been passed by the House.

Mr. CRUMPACKER. I am asking in reference to this claim. Does the Post-Office Department furnish any statement in regard to it?

Mr. WEEKS. No.

Mr. CRUMPACKER. Then the Post-Office Department does not admit any liability, legal or equitable?

Mr. GRAFF. If the gentleman from Indiana will look at the report he will find this:

Again, the Department refers to certain stipulations contained in the contract as to "celerity, certainty, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size, weight, or increase during the term of the contract." These, again, are the usual and formal stipulations, but in enumerating them the Department conceals that the contract contained no clause relative to carrying foreign mail; that it was not until 1883 that such clauses were inserted in contracts. Plainly no such extra service was contemplated by either party to this contract, and especially by the party of the second part.

This man made his bid in good faith. His practical experience convinced him that he could fulfill his obligation without loss to himself or injury to his bondsmen. His estimate was based upon the cost of employing 1 man and 1 horse to carry 1 pouch. He knew that there could be no local increase. It came, but not by reason of any circumstance that he could have foreseen. It came in the form of foreign mail, not contemplated by the terms of the

contract, as the Post-Office Department admits; and it tripled his service, his expenses, his responsibility.

The point in the case is that while the claimant has no legal claim, yet it was a small contract and the claimant did not contemplate nor would he be expected to contemplate this unusually large amount of mail which was thrown upon him. This large amount of mail was precipitated upon him, making him carry it at a tremendous amount of work, when he had a right to anticipate that he was bidding upon the usual and customary amount of mail which was being transported at the time he made his bid.

Mr. CRUMPACKER. His claim is based upon the fact that the amount of mail increased?

Mr. GRAFF. Yes; but it was not an increase that could be fairly anticipated. It was an unusual increase.

Mr. CRUMPACKER. I assume from the statement of the Department that the work done was within the intent of the terms of the contract.

Mr. GRAFF. It was within the terms of the contract.

Mr. CRUMPACKER. He makes the claim that only one pouch was being carried, and suddenly there was a large and unexpected increase.

Mr. GRAFF. Yes; brought about by a change by the Department in the transportation of the mail.

Mr. CRUMPACKER. As a matter of law, that would be within the contemplation of the contract.

Mr. GRAFF. Undoubtedly; if he had been called upon to transmit or transport three or four carloads of mail every day I suppose it would be within the contract from a legal standpoint, and he would have no legal remedy in the premises.

Mr. CRUMPACKER. If this claim is to be allowed, why would not every mail contractor losing money on his contract on account of the increased work that is put upon him by virtue of the increase of business have a claim against the Government, and why ought he not to be paid for losses?

Mr. GRAFF. That same argument might be used in dealing with any equitable question that does not come within the strict provisions of law. In this case it was fairly expected from the circumstances that this party supposed he was then entering only upon a small contract. He had nothing to base his bid upon except the reasonable expectation of the amount of work to be done. The only thing he could base his calculation upon was the amount of mail that had been transmitted. If it had been only the natural increase, there would have been no remedy and no claim here, but here was an unexpected source, an unusual amount of work suddenly precipitated upon him.

Mr. CRUMPACKER. I am glad the gentleman has made that statement. I have no disposition to oppose the passage of the bill. If it was only the ordinary increase in the amount of mail, it would be a dangerous precedent to establish here.

Mr. GRAFF. I think so myself.

Mr. CRUMPACKER. In view of the fact that here was an extraordinary increase coming from a source that could not have been in actual contemplation of the party at the time he made the contract, I think there is no reasonable objection to the passage of the bill.

Mr. GRAFF. I desire to make this statement. There is pending in the House Senate bill 219, which I now hold in my hand, and which corresponds in its provisions to this bill. I am authorized by the Committee on Claims to move that the bill under consideration be laid aside with a recommendation that it be laid on the table and that Senate bill 219 be substituted therefor with a favorable recommendation from this Committee of the Whole.

The CHAIRMAN. The Chair will inquire of the gentleman whether the Senate bill to which he refers is before the Committee of the Whole and on to-day's Calendar?

Mr. GRAFF. It is not upon the Calendar, but I am authorized by the committee to make this motion.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the bill under consideration can be laid aside with the recommendation that the gentleman suggests, but the Chair is of opinion that the Senate bill, not being upon the Calendar, is not before this Committee of the Whole, and that the motion which the gentleman desires to make with reference to that bill will have to be made in the House.

Mr. GRAFF. I suppose, then, the proper course for me to pursue will be to move that the House bill be laid aside with a favorable recommendation, and then in the House to ask unanimous consent for the substitution of the Senate bill. I therefore move that the pending bill be laid aside with a favorable recommendation.

The motion was agreed to.

CHARLES HURRLE.

The next business on the Private Calendar was the bill (H. R. 7035) for the relief of Charles Hurrle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay Charles Hurrle, late of Troop E, Sixth United States Cavalry, for extra duty as post interpreter at Fort Apache, Ariz., from October 29, 1879, to May 4, 1881, inclusive, at the rate of 50 cents per day, and from May 5, 1881, to June 30, 1881, inclusive, at the rate of \$75 per month.

Mr. GRAFF. I ask that the report in this case be read.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7035) for the relief of Charles Hurrle, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting—

"That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay Charles Hurrle, late of Troop E, Sixth United States Cavalry, for extra duty as post interpreter at Fort Apache, Ariz., from October 29, 1879, to May 4, 1881, inclusive, at the rate of 50 cents per day, and from May 5, 1881, to June 30, 1881, inclusive, at the rate of \$75 per month."

The bill proposes to pay Charles Hurrle for services rendered as interpreter at Fort Apache, Ariz., from May 4 to June 30, 1881, inclusive, at the rate of \$75 per month.

There is no question as to the services rendered by the claimant, as appears by the testimony of Thomas Cruse, first lieutenant and regimental quartermaster, Sixth Cavalry, and commanding Company A, Indian Scouts, at the date above mentioned, May 4 to June 30, 1881. John Martin, sergeant, Troop E, Sixth Cavalry, and \_\_\_\_\_, Troop E, Sixth Cavalry, all certify to the service rendered and corroborate the claim made by Hurrle.

Peter Rennie and John Halleghan also made affidavits in due form as to the rendition of the services, under date of July 23 and 24, 1894, respectively.

The service is also admitted by the Third Auditor of the Treasury under date of December 26, 1893, in a communication in which, among other things, he says:

"The records show that the claimant, Hurrle, was on daily duty as post interpreter at Fort Apache, Ariz. \* \* \* But as this duty did not constitute regular day labor, he is not entitled to extra pay therefor."

The Third Auditor, in the same communication, says:

"The money accounts of Lieuts. H. P. Perrine, W. H. Carter, and F. G. Hodgson, Sixth Cavalry, and acting assistant quartermasters at Fort Apache, Ariz., show payments to claimant as interpreter from July 1, 1881, to September 23, 1881, at \$75 per month, and from September 24 to December 2, 1881, at \$100 per month, and from December 3, 1881, to September 25, 1882, at \$75 per month."

The service of claimant is fully established, and the official records and accounts show that the claimant was paid even a higher rate for similar services than is fixed by the pending bill, and in all equity we think he is clearly entitled to the relief he seeks and which the bill aims to provide.

Mr. GRAFF. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

CHARLES H. ROBINSON.

The next business on the Private Calendar was the bill (H. R. 949) for the relief of Charles H. Robinson.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$720 be allowed to Charles H. Robinson, former pension agent at Des Moines, Iowa, being the sum deposited by him to cover a deficiency arising in his office, caused by the negligence of a clerk, and without blame or fault on the part of said Charles H. Robinson, and that the aforesaid sum is hereby appropriated out of any moneys not otherwise appropriated.

Mr. GRAFF. Mr. Chairman, the facts in this case may be very briefly stated. Charles H. Robinson was the United States pension agent at Des Moines, Iowa, from the 1st day of September, 1894, to the 1st day of September, 1898. A soldier had been drawing a pension under what is commonly known as "the old law," and that pensioner had been dropped on the theory that his pension had been allowed upon a fraudulent representation. Afterwards he was allowed a pension under the act of June 27, 1890, but, according to the practice of the Pension Bureau, the money which he had drawn previously under the old law was treated as a credit upon the second pension.

At the time of the granting of his pension under the act of June 27, 1890, he was allowed quite a considerable sum of arrears. So the Commissioner of Pensions notified the United States pension agent at Des Moines, Iowa, to deduct from the allowance made under the act of June 27, 1890, the amount which the pensioner had drawn fraudulently previous to that time, according to the findings of the Pension Bureau. This was the advice given to the pension agent at Des Moines, Iowa, but the disbursing clerk, or record clerk, whose duty it was to carry out the instructions of the Commissioner of Pensions and to withhold from the pensioner and cover back into the Treasury of the United States an amount corresponding to that which he had drawn previously under the old law, violated or overlooked his instructions.

That record clerk was not an appointee of the United States pension agent, Mr. Robinson, the claimant in this case. The latter had no knowledge of the facts, and he had no way of protecting himself against this negligence or error of the clerk who was working under him. He could in no way have protected himself from the consequences of that error; yet he was compelled to pay this amount back to the United States. It seems to me he was not to blame. There was nothing which he could have done that would have prevented this error by the clerk, and it is very inequitable that he should be held responsible for this amount.

Mr. SPIGHT. Has it been shown that the money was not fraudulently drawn out?

Mr. GRAFF. The question as to whether the soldier was entitled to his pension under the old law was determined by the Pension Bureau. Of course that is a matter over which Mr. Robinson had no control and with which we have no reason to deal. I know myself that such is the practice of the Bureau.

Mr. CRUMPACKER. How much is this claim?

Mr. GRAFF. The amount of the claim is \$720.

Mr. CRUMPACKER. And I understand that that amount was improperly deducted?

Mr. GRAFF. It was not withheld when it should have been. It should have been withheld from the soldier, but instead of that the clerk paid out the sum which was allowed to the soldier under the last allowance, under the act of June 27, 1890, without deducting the amount which he had previously drawn under the old pension certificate.

Mr. CRUMPACKER. Do you know whether the Department is withholding this pension from the soldier in order to make good the balance of the debt that he owes the Government on account of the fraudulent pension?

Mr. GRAFF. I do not know whether the Pension Department is withholding that sum yet, but I do know that the Pension Department may, if it desires to do so. I want to say to the gentleman from Indiana that it would, of course, take several years, if the soldier were drawing a pension under the act of June 27, 1890, before he would be entitled to enough pension to amount in the aggregate to \$720.

Mr. CRUMPACKER. This bill is based upon the theory that the Government and not the pension agent should be responsible for the mistakes of the pension agent's clerks?

Mr. GRAFF. It is based upon the theory—

Mr. CRUMPACKER. That is the theory of it, is it not?

Mr. GRAFF. It is based on this theory: Not that the Government especially ought to be responsible for the acts of an inferior employee under a United States pension act, but that the United States pension agent himself ought not to be held responsible for the mistakes of a man who was not employed by him, and over whose appointment he had no control, and who was there by the act of the Government and not by the act of the agent.

Mr. CRUMPACKER. The agent, I assume, had control of his services, general direction, and control of his work in the agency?

Mr. GRAFF. I suppose he had.

Mr. CRUMPACKER. And this takes the liability from the pension agent, where it exists under present conditions, and locates it upon the Government, where it does not rest at present.

Mr. GRAFF. In my judgment, as a matter of law, if the United States Government had been compelled to sue this man Robinson to recover that amount on account of a mistake made by an employee in his office, he could not legally be held responsible for that; but of course the pay of the United States pension agent was in the hands of the Government, and he did not have very much to say about what the Government should do in the premises.

They simply charged it against him. This occurred between the years 1894 and 1898; and, as is shown by the report, his duties included the payment of quarterly pensions to all the pensioners of the district composed of Iowa and Nebraska, and during the term of his office he paid out to pensioners something over \$33,560,000; so it is quite apparent that no one contemplates that that United States pension agent shall personally supervise all of the payments that are made in his office.

Mr. WARNOCK. I should like to ask the gentleman a question.

Mr. SOUTHARD. What was the soldier's pension under the law of 1890?

Mr. GRAFF. From my experience I should presume it was \$6 a month.

Mr. CRUMPACKER. Was it not twelve?

Mr. GRAFF. The report states the facts, which are that after the cancellation of Mr. Bailey's pension certificate he made application to the Pension Department under the act of June 27, 1890, and on the 23d day of October, 1897, a pension certificate, No. 57793, was issued to him under that act, and received at the Des Moines office, allowing him a pension at the rate of \$10 per month.

But at the same time direction was received at the Des Moines office for the recovery by the Government of the said sum of \$1,900.67 out of the pension last granted, as it became due, being the amount paid under the former certificate which was held to be fraudulent, and said certificate was turned over to said Mae Griffis for proper entry on the rolls in the office as a "recovery claim." But the said Mae Griffis, clerk, failed and neglected to enter upon the rolls or books of the office the proper memoranda indicating that the claim was one for recovery, and in consequence of such failure and neglect a check for the amount of the first payment under said certificate, amounting to \$660, was issued and made payable to said Bailey and mailed to him in the regular

course of business, instead of being made payable to the assistant treasurer of the United States, as directed in the order above referred to; and that thereafter checks for the quarterly payments of January and April, 1898, amounting to \$60, were also sent to and made payable to said pensioner.

When these checks were received and examined by the Auditor of the Treasury for the Interior Department of the United States, the mistake was discovered and the claimant was charged up with these amounts, aggregating \$720, which he made good by paying the same.

Thereafter the claimant immediately endeavored to secure himself from loss by negotiations with Mr. Bailey; but it was found that he was absolutely insolvent, and nothing could be made by proceedings against him.

During the term of office of Mr. Robinson one F. M. Carrell was chief clerk of such agency, and as such chief clerk it was his duty to classify and assign the work of the several clerks in the said office, and that in the performance of his duties he assigned the said Mae Griffis to act as record clerk, and the said Carrell and the other clerks in said office, among whom was the said Mae Griffis, were in the classified service and under such service were assigned to the several duties which they respectively performed, and the complainant, Mr. Robinson, had no control over the assignment of said Mae Griffis to duty as record clerk, but she was generally considered as efficient and competent in the performance of her duties as such clerk.

Mr. SOUTHARD. I have read this report; but the suggestion I want to make is that if the soldier lives long enough the Government will have a chance to reimburse itself.

Mr. GRAFF. Yes; at \$10 a month.

Mr. WARNOCK. It was found that Mr. Bailey was insolvent?

Mr. GRAFF. Yes.

Mr. WARNOCK. Was the clerk who made the mistake also insolvent?

Mr. GRAFF. I presume so. I think that is quite apparent.

Mr. WARNOCK. The clerk would have been liable.

Mr. PADGETT. I wanted to inquire of the gentleman if the bill provides for a retention of this pension as it accrues for the benefit of the Government?

Mr. GRAFF. That is being done by the Pension Bureau at the present time.

Mr. PADGETT. I simply wanted to know if that was the fact.

Mr. GRAFF. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBION M. CHRISTIE.

The next business on the Private Calendar was the bill (H. R. 2641) for the relief of Albion M. Christie.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Albion M. Christie, assignee of Luke Christie, deceased, local inspector, out of any money in the Treasury not otherwise appropriated, the sum of \$368.80, said sum being the proceeds of Treasury warrant No. 2049, dated February 1, 1861, and drawn in favor of Luke Christie, local inspector, for said amount, in payment for work and labor performed by him as inspector of hulls at Savannah, Ga., the payment of which said Treasury warrant has been withheld under and by virtue of the provisions of section 3480 of the Revised Statutes of the United States, upon the presentation and surrender of said Treasury warrant to the Treasury Department.

Mr. GRAFF. I ask that the report be read.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2641) for the relief of Albion M. Christie, have carefully examined the same and report it favorably, with a recommendation that it do pass.

This bill provides for the payment of \$368.80 to Albion M. Christie, assignee of Luke Christie, deceased, upon the presentation and surrender of Treasury warrant No. 2049, dated February 1, 1861, and drawn in favor of Luke Christie, for work and labor performed by him as inspector of hulls at Savannah, Ga., prior to this date.

At the date of the issuance of this warrant Luke Christie was in the employ of the Government of the United States as local inspector of hulls at Savannah, Ga. His salary became due, and Treasury warrant No. 2049, dated February 1, 1861, and drawn on John Boston, United States depository at Savannah, Ga., was regularly issued in payment of the same. Before warrant was cashed payment was withheld on behalf of the United States at Savannah, Ga., on account of the outbreak of hostilities. The warrant was subsequently assigned by Luke Christie to Albion M. Christie, who now holds it by virtue of such assignment, and also as his sole legal representative and heir, Luke Christie being now deceased.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

W. C. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 5550) for the relief of W. C. Taylor.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. C. Taylor, of Mobile, Ala., the sum of \$2,000, as com-

pensation for the loss of the steel barge *Ora*, while in service of the Government during the late war with Spain, on a voyage between Mobile, Ala., and Santiago de Cuba, said loss having been caused by defective and insufficient towlines and the absence of any crew on board the barge to look after her safety, all of which occurred without any fault on the part of the owner of said barge, the said W. C. Taylor, of Mobile, Ala.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. I yield to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. Mr. Chairman, this bill provides payment to a citizen of Mobile for the loss of a barge which he allowed the Government to use in June, 1898. Just prior to the battle of Santiago de Cuba the Government required the immediate use of barges to transfer supplies to General Shafter. They needed light-draft barges. Mr. Taylor was called upon, and immediately consented to the use of his barge. It was taken by the Government and lost in three days on the trip to Cuba. The facts are in the report, and I ask that the report be read.

Mr. GRAFF. I want to suggest to the gentleman that the report is extremely lengthy and contains all the correspondence.

Mr. TAYLOR of Alabama. I was going to say, the report without the exhibits to it. The report states the facts; the exhibits are merely the proof of the facts stated in the report. I think the report will be sufficient and I ask to have it read.

Mr. CRUMPACKER. A question that may elicit the proposition. Has the War Department investigated the claim?

Mr. TAYLOR of Alabama. Yes, sir; the War Department has investigated the claim—

and reports that the appropriations of the Quartermaster's Department are not applicable to payment for value of the lost barge, and that the claim can not, therefore, be favorably considered by this office, and that Congress alone can grant relief in such cases.

Mr. CRUMPACKER. Do the records of the War Department show that the Government had taken possession of this barge and was in possession of it at the time of its loss?

Mr. TAYLOR of Alabama. The records show that, and the report of the committee shows that.

Mr. CRUMPACKER. Do the records of the War Department show the value of the barge?

Mr. TAYLOR of Alabama. That is shown by the testimony of the Government officers, and no other testimony is before Congress that it was worth \$2,000 at the time of the loss.

Mr. CRUMPACKER. And that is the amount of the bill?

Mr. TAYLOR of Alabama. That is the amount of the bill.

Mr. CRUMPACKER. And the War Department can not pay because they were not authorized by any law to do so?

Mr. TAYLOR of Alabama. Out of appropriations for the War Department.

Mr. CRUMPACKER. Do they make a recommendation that the bill be paid?

Mr. TAYLOR of Alabama. None; except that it is a matter to be brought before Congress. They do not say one way or the other in regard to the payment.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WILLIAM C. MARR.

The next business on the Private Calendar was the bill (H. R. 3830) for the relief of William C. Marr.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William C. Marr, of Popham Beach, Sagadahoc County, Me., out of any money in the Treasury not otherwise appropriated, the sum of \$5 for his services as first assistant keeper of Seguin Island light, Maine, during the month of July, A. D. 1863.

Mr. GRAFF. I ask that the report may be read in my time.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. WEEKS) was read, as follows:

The Committee on Claims has considered the bill (H. R. 3830) for the relief of William C. Marr, and report the same back with the recommendation that it do pass.

This report is based on the recommendations of the Light-House Board and the Secretary of the Treasury hereto annexed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, February 9, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing H. R. 3792, "for the relief of William C. Marr."

You request an opinion as to the merits of the claim. In reply, find herewith copy of report of the Light-House Board, from which it will appear that the board ordered \$25 paid to Mr. Marr, as appeared to be his due.

Respectfully,

L. J. GAGE,  
Secretary.

Hon. H. S. BOUTELL, M. C.,  
House of Representatives.

TREASURY DEPARTMENT, OFFICE LIGHT-HOUSE BOARD,  
Washington, February 7, 1901.

SIR: The board has the honor to acknowledge the reference to this office by the Department of a letter from Hon. H. S. Boutell, M. C., dated January

80, 1901, inclosing H. R. 9792, for the relief of William C. Man, and asking the opinion of the Department as to the merits of these claims and the advisability of a favorable recommendation on them by the Committee on Claims.

In reply, the board begs leave to state that it appears that the board ordered \$25 paid to Mr. Marr, after some discussion, as it appeared to be his due, and it does not know why it was not paid.

The board therefore recommends the passage of the bill after it has been amended as to the spelling of the name, which is Marr and not Man.

The letter of Mr. BOUTELL is herewith returned, as requested.

Respectfully,

R. L. HOXIE,

Major, Corps of Engineers, U. S. A., Engineer Secretary.

The SECRETARY OF THE TREASURY.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

J. V. DAVIS.

The next business on the Private Calendar was the bill (H. R. 1981) for the relief of J. V. Davis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. V. Davis, superintendent of the Alexandria (Va.) National Cemetery, the sum of \$950, out of any moneys in the Treasury not otherwise appropriated, to reimburse him for personal property destroyed by fire, which loss was incurred in his efforts to save the property of the United States.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "nine hundred and fifty" and insert in lieu thereof "five hundred."

Mr. GRAFF. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

Mr. CRUMPACKER. I think there ought to be some statement of the facts in regard to this claim. It seems to be one of a rather unusual character.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, this claim is one of J. V. Davis, who is superintendent of the national cemetery at Alexandria, Va. It seems that some years ago while he was superintendent of the cemetery a fire occurred which destroyed the buildings. The assistance which came to him during the fire would have saved his property, but he told them that he desired the property of the Government first saved. The property of the Government was saved, and all of his personal property was destroyed. The claim by Captain Davis for reimbursement was referred to the War Department, and the Secretary of War recommended that the claim should be paid.

Mr. CRUMPACKER. The property probably was not insured.

Mr. RIXEY. No; it was not insured.

Mr. CRUMPACKER. And I understand that the owner was in the service of the Government at the time.

Mr. RIXEY. He was and still is.

Mr. CRUMPACKER. He resided in the house located in the cemetery grounds?

Mr. RIXEY. Yes, sir; that is right.

Mr. CRUMPACKER. That fire came, and he sacrificed his own property to save the property of the Government?

Mr. RIXEY. That is right.

Mr. CRUMPACKER. Then this bill is in the nature of a bounty or gratuity for his fidelity to the Government?

Mr. RIXEY. To that extent, possibly. It is for the loss of his own property, which he could have saved if he had not been engaged in saving the property of the Government.

Mr. CRUMPACKER. There is no legal or equitable liability on the part of the Government?

Mr. RIXEY. I think there is an equitable liability. I was on the Committee on Claims for several Congresses when this matter was considered, and the proofs showed that his property could have been saved and would have been saved except that he told parties who came to his assistance that he desired the property of the Government be saved first. The matter has the recommendation of the War Department.

Mr. CRUMPACKER. I shall not oppose the bill. It seems to be a reward for the man's fidelity.

Mr. GRAFF. The Secretary of War recommends it on that ground.

Mr. RIXEY. Mr. Chairman, while I was on the committee, during the past Congresses, it was shown that the amount of this man's loss was \$950, and that amount was recommended by the Secretary of War to be paid him. While I was on the Claims Committee, after the committee acted, cutting the amount down to \$500, I did not like to come into the House and ask that Mr. Davis should be paid \$950.

The committee, without any reason, so far as I was able to observe, cut the claim from \$950 to \$500. The testimony was clear that the man had lost property to the amount of \$950, and I think it ought to be paid him. The bill passed the House last year for \$500 and went to the President. It failed to become a law because it reached him too late.

I am not now on the committee, and I think it is legitimate for me to ask that the amendment proposed by the committee be voted down, and that Mr. Davis be paid the sum of \$950. I ask this in justice to Mr. Davis. He is not a native of Alexandria; he is a stranger there, but is an Army officer, having charge of the cemetery, and it seems to me this money is due him and ought to be paid to him. I ask the House to vote down the amendment offered by the Claims Committee and let Mr. Davis have the \$950 due him.

Mr. CRUMPACKER. Will the gentleman state, if he knows, the value of the Government property rescued or saved at the time of the sacrifice of the gentleman's own interests?

Mr. RIXEY. That matter was thoroughly investigated by the Claims Committee, and we had the statement from Mr. Davis and others, and those written statements are on file with the committee. I have not them here. The Claims Committee was perfectly satisfied in regard to it.

Mr. GRAFF. If the gentleman from Virginia will permit me, I think he had better not urge that increase above the \$500. The fact is the committee found themselves somewhat at a loss to definitely fix the amount of the value of this property, and they were compelled to have the subcommittee procure an affidavit at its last hearing itemizing the value of these goods. We considered the matter very carefully, and felt that there ought not to be any question about the safety of the amount which we fix. It is somewhat of an unusual form of a claim at any rate, and I think the claimant ought to be satisfied with the amount recommended by the committee.

Mr. RIXEY. I know that this itemized statement was called for this year. It was also furnished the committee on a former occasion. It is furnished again this year, and was delivered by me to the subcommittee.

Mr. GRAFF. The gentleman must remember that this case was not investigated, except by means of an ex parte affidavit, and we simply permitted the claimant to fix his own value of the goods. We inspected the items and concluded that \$950 might be too large, and inasmuch as this is a gratuity simply based on the theory that the Government should recognize the faithfulness of this man in endeavoring to rescue the building of the Government in preference to saving his own property, the committee have recommended this bill.

Mr. RIXEY. I think Captain Davis is entitled to the whole amount. I leave it to a vote of the House.

Mr. GRAFF. I renew my motion, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The committee amendment was considered and agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JULIUS E. MUGGE.

The next business on the Private Calendar was the bill (H. R. 1748) for the relief of Julius E. Mugge.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the claim of Julius E. Mugge for damages sustained by reason of the cancellation of contracts for army supplies awarded June 4, 1891, to him by the chief quartermaster of the Department of Texas, be, and the same is hereby, referred to the Court of Claims, to ascertain whether any damages were suffered by said Julius E. Mugge on account of said award and the subsequent disapproval of said contract; and if so, to find the amount of said damages and report the same to Congress.

Mr. SLAYDEN. Mr. Chairman, the report, No. 267, on this bill very clearly sets forth the nature of the claim and the reason for sending it to the Court of Claims. I will say there is printed in that report a letter from the present Quartermaster-General, written the 1st of March, 1900, in which he recommends that the claim be sent there, as it is typical of a large number of claims they have to consider, and they want a decision of the court on that class of claims. If any further particulars are desired with reference to the bill, I shall be pleased to give them.

Mr. CRUMPACKER. I understand that this claim is for damages for loss of profits on a contract.

Mr. SLAYDEN. I will detail the circumstances of the case if the gentleman so desires.

Mr. CRUMPACKER. I should like to know the circumstances in detail.

Mr. SLAYDEN. I have here a letter from General Stanley, who was commanding officer of the Department of Texas when this case arose, which explains it fully.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,  
Washington, D. C., January 26, 1898.

DEAR SIR: In reply to your note of the 25th instant, I will state Julius E. Muegge had been a contractor for grain supply for the Department of Texas several years while I commanded that department. The time for awarding these grain contracts was April or May, and before the crops for the year had matured. In 1890 Mr. Muegge had large contracts, and, owing to the drought, lost heavily on his contract, which he filled faithfully.

I will say to the gentleman that, as a matter of fact, in that unfortunate year Mr. Muegge filled his contract entirely to the satisfaction of the commanding officer and the quartermaster-

general, Department of Texas, and he lost about \$14,000 on his contract.

In 1891 Mr. Mugge was again awarded contracts for grain. These contracts were completed, bonds were duly given, and all forwarded to Washington to the Quartermaster-General, who, in July, disapproved of all contracts in Texas.

As the year had turned out a propitious one, and all grain had fallen in price in Texas, as department commander I opposed this innovation as hard on a faithful contractor and unfair upon the side of the Government's officers. Colonel Meeks, chief quartermaster of the department, now Quartermaster-General, also opposed this ruling of the Quartermaster-General.

I will say to the gentleman from Indiana that I called upon this Quartermaster-General, General Meeks, and he confirmed this letter in every respect.

Mr. Mugge, who was entitled to the advantage resulting from a good crop, was a heavy loser in the transaction.

This I give from memory, but the correspondence will verify my statements, I am sure.

Now, the Quartermaster-General, General Ludington, makes this report on the facts of the case:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, March 1, 1900.

Respectfully submitted to the honorable the Secretary of War for such action as he may deem proper, having in view circular from his office dated December 4, 1899.

Mr. EDWARD ROBB, member of the House Committee on Claims, incloses H. R. 3274, and requests information as to the merits of the said bill, and asks whether, in the opinion of your Department, the circumstances do not warrant the reference of the same to the Court of Claims.

The facts in the case are as follows:

In 1891 the chief quartermaster, Department of Texas, advertised for and received proposals for forage for the several posts in that department. Among the awards made on these proposals by the chief quartermaster was one to Julius E. Mugge for 840,000 pounds of oats at San Antonio, Tex., at the rate of \$2.05 per 100 pounds.

The circular of instructions to bidders issued in connection with the advertisement in this case provided that "deliveries, if required, to commence on July 1, 1891, if the contract be approved by the Quartermaster-General of the Army, otherwise not until such approval was obtained, unless notified by competent authority." Award was made by the chief quartermaster before the bids were received by this office. Upon receipt of the proposals here it was ascertained that the price at which the award was made was very much in excess of the market rate (\$1.25 per 100 pounds, as reported by the San Antonio Board of Trade), and for that reason the Quartermaster-General refused to approve the contract. New proposals were invited, and contract was subsequently made at the rate of \$1.65 per 100 pounds.

Between June 4, the date of the award to Mugge by the chief quartermaster, and June 23, when negative action was taken by this office, the said Mugge delivered, upon the order of the depot quartermaster, San Antonio, 29,066 pounds of oats.

Mr. Mugge was notified that his bid had been accepted. He executed his bond, and it was sent on here for approval. The awards were made at the time of the year at which it had been the custom of the Department officers to make such awards—in the spring of the year, before the crops had matured and before any merchant could tell what the crops were going to be.

In the previous year, as is shown by the record, Mr. Mugge had faithfully filled his contract, which entailed on him a loss of a large amount of money. General Stanley himself gave me this information, and he was commanding officer of the department at the time. In this particular year, after being informed that his bid had been accepted, Mr. Mugge was called upon to make a partial delivery upon that contract. That was before the papers which had been referred to Washington had been returned.

Mr. GRAFF. As this bill provides simply for a finding by the Court of Claims and a report to Congress, I suggest to the gentleman from Texas that he allow us to vote upon it, so we may proceed to other business.

Mr. SLAYDEN. Well, I am answering the question of the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. I am not ready for a vote yet. I think this matter ought to be further discussed. I may want to submit a few observations myself.

Mr. GRAFF. This bill simply provides that the Court of Claims shall—

Ascertain whether any damages were suffered by said Julius E. Mugge on account of said award and the subsequent approval of said contract; and if so, the amount of said damages, and report the same to Congress.

Mr. CRUMPACKER. I wish to say something in opposition to the claim and the bill.

Mr. SLAYDEN. It looks to me like an unfair piece of business for the Government to let a contract in the spring of the year, before the crops have matured and before any merchants can form a reasonably correct idea as to what prices are going to be, and then to compel the contractor to live up to all the obligations of that contract, thus entailing upon him a heavy loss, while it does not take any such risks itself.

Mr. Mugge unquestionably lost a large sum of money by a faithful compliance with the terms of his contract in 1890. In the year 1891, when he might have had an opportunity to recoup himself for these losses, the Government rejected his bid two or three months after the contract had been made, and notified him that new bids would be taken. He was thus denied the right to carry out a contract which, according to notice served on him, had been accepted. He was denied the privilege of making a

reasonable profit on his transaction, though the year before he had lost a large amount of money upon an exactly similar contract.

There ought to be perfect fairness as between the Government and the contractor. If risk is to be taken, as it was in this case, it should be mutual. In my opinion it was unfair and unjust, although technically legal, for the Quartermaster-General to delay his decision upon those contracts until late in the summer, and, after these contractors had undergone a loss in the previous year, deny them the opportunity to make themselves even in the following year.

I think that in common fairness this House should have made a direct appropriation to compensate this man for the loss; but the committee, headed by the chairman, the gentleman from Illinois [Mr. GRAFF], have seen fit to refer it to the Court of Claims, and in that reference they have the written approval of the Quartermaster-General of the United States.

Mr. MOODY of Massachusetts. Do I understand that the contract was actually entered into?

Mr. SLAYDEN. Yes. I will say to the gentleman from Massachusetts that the custom was to advertise for bids in April, and the bids were usually opened along between the 1st and the 15th of May, and the lowest bidder was advised that his bid had been accepted and to make his bond.

This gentleman had been an occasional contractor for the Government for a number of years. He put in his bids that year and was notified that they were accepted; but in every advertisement under the law there is a notice that no contract is final or binding until approved by the Quartermaster-General. Now, this bid was opened in April and the contract awarded in May and forwarded to the Quartermaster-General for approval. Meantime the Army post in the Department of Texas had gotten out of supplies, and the firm with which Mr. Muegge was connected was notified to supply a certain quantity of grain.

Mr. GRAFF. Under that contract?

Mr. SLAYDEN. Under that contract, and he did supply it; and when his contract was rejected Mr. Mugge felt so outraged about it, felt that he had been so harshly and unjustly treated, particularly in view of the fact that in the faithful performance of his contract of the year before he had lost a large sum of money, that he refused at first to accept the check which was sent him in payment for the grain that had been purchased.

General Stanley, now a retired major-general of the United States Army, residing in the city of Washington, told Mr. Mugge to take the check. He said:

While it is an outrage, while in my judgment there is no moral right in denying you this contract, the Quartermaster-General has a technical right to reject it, and if you do not accept this check which they now tender you in payment for produce already supplied to the Army of the United States, the Lord knows when the Congress of the United States will see fit to pay you.

So upon that advice from Major-General Stanley, a resident of the city of Washington, he accepted that check in payment for produce delivered upon this particular contract, which it is now sought to refer to the Court of Claims. That answers the question of the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. I do not yet understand that any contract was actually entered into.

Mr. GRAFF. From a legal standpoint the contract was not complete.

Mr. SLAYDEN. I told the gentleman that in the advertising there was a provision that the contract should not be final or binding until approved by the Quartermaster-General.

Mr. OTEY. He did approve it, did he not?

Mr. SLAYDEN. No; the Quartermaster-General never did.

Mr. CRUMPACKER. I would like a few minutes on this proposition, if the gentleman has finished what he has to say.

Mr. Chairman, as I understand this bill, it proposes to refer to the Court of Claims the claim of Mr. Mugge, for the purpose of ascertaining the amount of damages he sustained on account of the failure of the War Department to take the grain that he proposed to furnish under a bid that he had submitted to the Quartermaster-General for the year in question. The Court of Claims is not given power to determine whether there is any liability on the part of the Government, according to the principles that govern contracts and their violations between citizens.

Mr. GRAFF. Will the gentleman from Indiana allow me to interrupt him?

Mr. CRUMPACKER. I will.

Mr. GRAFF. It has occurred to me while this debate was going on that so far as I am personally concerned the bill might be amended. The bill as it is simply asks the Court of Claims to make a finding of facts as to the damages which the claimant suffered. It is true, as stated by the gentleman from Indiana, that the court is not asked to pass upon the legality of the transaction or any other of the facts.

Mr. CRUMPACKER. Or the validity of the contract.

Mr. GRAFF. Now, I think it will be a good idea to amend the

bill by adding after the word "contract," in the tenth line, the words "and to make findings of the facts, including all of the circumstances arising out of said transaction."

Mr. CRUMPACKER. That might improve the bill somewhat, but—

Mr. GRAFF. As a matter of practice here in Congress, if after this bill had been passed the Court of Claims should make this finding, it would not be such a finding as is customary for the Committee on Appropriations to recognize. It would simply come back to the Committee on Claims for their further consideration. In view of that fact it seems to me that there is something in the proposition of the gentleman from Indiana—that the bill might be amended so as to have findings of fact and law, too, for that matter, on the question.

Mr. CRUMPACKER. That is one objection, but the bill seems to be based entirely on a claim of prospective profits upon a contract that the claimant hoped the Government would accept, but which, as a matter of fact, the Government never did accept. In the month of April he submitted a bid to furnish grain to the quartermaster in charge of the Department of Texas, with the full knowledge that no contract that any officer in charge of that department could make would be valid or binding against the Government until it had been approved by the Quartermaster-General.

Mr. GRAFF. But it is claimed that it had been the custom of the War Department to treat this transaction as a contract and to act under it before it was ratified at Washington, and if it is true, as it is contended by the claimant in this case, that the Government did seek to get the benefits of the contract, and did get the benefits of the contract so long as they were getting the grain at a low price compared with the market price of the article, there is some equity in the contention that if they desire to get the benefits of a contract, the claimant himself should be entitled to whatever benefits might accrue to him from its terms.

Mr. CRUMPACKER. Now, I understand that the War Department conducts its business not in accordance with local custom, but upon the plain letter of the law. I do not understand that contracts are let under the law with the understanding that their terms shall be violated as a matter of custom. Here is the situation in relation to this case. Bids were submitted in April. The grain was to be supplied by the 1st of July, upon condition that the Quartermaster-General approved the contract. The Quartermaster-General never approved the contract, but the officer in charge of that department, it appears, became short of forage, and he took some 20,000 or 30,000 pounds of oats from this claimant to meet a temporary necessity.

Mr. GRAFF. Under the terms of the contract.

Mr. CRUMPACKER. Under the terms of the contract, at \$2.05 a hundred pounds, and paid him the money, when, as a matter of fact, oats were only then worth \$1.65 a hundred pounds. The claimant has received this under the terms of a contract that the Government never was bound by and was not responsible under. He has already had a profit of 40 cents a hundred on some 26,000 or 27,000 pounds of oats.

Mr. SLAYDEN. Does the gentleman take into consideration the fact that the Government got the benefit of oats the year before at a very reduced price?

Mr. CRUMPACKER. That is another proposition—that this bill is for the purpose of covering a loss the claimant sustained upon a contract the year before. I assert that when this bill is analyzed it has no foundation whatever in law or equity.

Mr. SLAYDEN. Has it not equity? Only a few days ago this House passed a bill to pay for a building in Buffalo which was blown down while being erected under a contract for the Government. It was blown down before completion, and we not only paid for it, but we paid for the damage done by the destruction of the building.

Mr. CRUMPACKER. Admitting that the Government paid such a claim as that, the conditions were peculiar—

Mr. SLAYDEN. It was at Buffalo.

Mr. CRUMPACKER. The contractor could not procure insurance to protect himself, and I do not know what all. But if the Government paid that kind of a claim a few days ago, it does not justify the Government now in recognizing a liability of this character. I want to impress upon the committee this fundamental proposition: There was no contract here. The bid was submitted with the understanding that there was to be no contract until the proposition had been approved by the Quartermaster-General at Washington.

The Quartermaster-General refused to approve the bid, because he said the price fixed was exorbitant. It fixed the price of oats at \$2.05 a hundred pounds, and the quartermaster subsequently made a contract for all the oats needed in that department at \$1.65 a hundred pounds. Therefore the claimant had no right to expect any profit upon his proposal until it had been completed, until the Quartermaster-General had accepted it. He refused it, and

in the meantime the claimant got the benefit of the contract price, amounting to 40 cents a hundred pounds profit on about 29,000 pounds of oats that he sold to meet an exigency.

Mr. SLAYDEN. Will the gentleman permit me to interrupt him there?

Mr. CRUMPACKER. Certainly.

Mr. SLAYDEN. The price was not exorbitant when the bids were made and submitted by this firm, which is a responsible firm, with which the Government had directly contracted and had contracted under conditions under which it seems they suffered a severe loss on forage.

There were also many other contractors who bid; the prices were not exorbitant at the time. Then the rains came and the crops thrived and the price of oats did go down; but the year before, at the time this price was named, the Government entered into contracts with this contractor, who accepted the price, but the rains did not come and the crops withered, and the price went up and there was considerable loss, but these parties filled their contract faithfully.

Mr. CRUMPACKER. That can not affect the legal or equitable character of this measure in the least.

Mr. SLAYDEN. I do not deny that the Quartermaster-General had the right to reject the bid.

Mr. CRUMPACKER (continuing). And the bill is urged for the purpose of recovering profits upon a contract that never was entered into by the Government, and that is all there is of it. The claimant has been paid a munificent price for every pound of oats that he furnished the Government.

Mr. SLAYDEN. It was not a fair or a good price for the year before.

Mr. CRUMPACKER. This proposition does not involve the price that year.

Mr. SLAYDEN. I think it does, in equity.

Mr. CRUMPACKER. He got a profit of 40 cents on every hundred pounds of oats furnished, and he makes no claim for forage furnished to the Government that is unpaid for; but if the Quartermaster-General had approved the contract, and he had supplied the oats under it, he would have made a large profit. The effect of this bill is to assess a judgment for damages against the Government because the Quartermaster-General would not approve the contract.

In my opinion no claim has ever been brought before the House that had less merit in it than this. This claimant had no contract, no claim upon the Government; he knew he was to have no contract or claim until the Quartermaster-General approved his proposal. Therefore he has no claim against the Government for speculative profits. He supplied some oats and was paid for them in full. That is a full statement of the whole question.

Mr. SLAYDEN. Never before in the history of contractors with the Government down there had there been any doubts about there being a contract after the bids were advertised if, upon opening, one man was notified that his price had been accepted and he had made his bond. Now, then, taking the custom of the Government with contractors in previous years, the fact that the acceptance of these bids had always been the equivalent of a proclamation that there was a contract, and in view of the fact that this man had done faithful service to the Government in previous years, in view of the fact that his record was good and had been satisfactory, and in view of the further fact that the commanding officer had called upon him for a partial completion of his contract, I would like to ask the gentleman if he does not think that the man had a right to think that he had a contract?

Mr. CRUMPACKER. In the first place, if the price of grain had gone above the contract price, will anyone claim that he could not have entirely exonerated himself from the performance of his bid on the ground that the Quartermaster-General had not approved it? And it would not have involved any moral delinquency on his part, either, to make that defense.

I can not accept the statement of the gentleman, although I know him to be a truthful man, that it has been the custom in Texas for the Government to regard as a contract a bid submitted in pursuance of an advertisement until the proposal has been accepted by proper authority. I can not accept as binding upon this House, or upon any court or any department of the Government, the assertion that the claimant had the right to presume that the Quartermaster-General would approve the bid because he had approved bids theretofore.

Mr. SLAYDEN. I hope the gentleman will not misunderstand me.

Mr. CRUMPACKER. In this case it does not appear that the claimant bought any grain or invested any money on the strength of that alleged custom, or put himself to any disadvantage whatever. There is nothing to show that, and therefore it is simply a bill proposing that the Government shall pay him the profits on a contract he may have had reason to hope would be made out, which in fact never was made.

Mr. SLAYDEN. I will say that Mr. Mugge tells me he did make contracts in Kansas that year.

Mr. CRUMPACKER. There is nothing in the record and nothing before the House to show it.

Mr. SLAYDEN. That is why we want it sent to the Court of Claims.

Mr. CRUMPACKER. I think it better be recommitted to the committee to further investigate the facts. This is a dangerous precedent to establish here.

Mr. GRAFF. Mr. Chairman, I have an amendment which I think would not be objectionable to the other side. The bill calls for the finding of a single fact, and it would do no harm to either party to have all the facts submitted, together with the law, and I have prepared an amendment which I shall offer, as follows:

Amend the bill by inserting after the word "contract," in line 10 of said bill, the following words: "and to make such findings of fact and law as may be pertinent in said transaction."

Mr. CRUMPACKER. Well, that is so general it will do little good, and I do not think the bill ought to be passed at all. I do not think it is necessary to go to the Court of Claims to find out that there is no basis for this claim. We do not need to send it there. I do not think the amendment is specific enough, anyhow. If it is submitted to the Court of Claims at all, it ought to be submitted on the question as to whether there is any liability on the part of the Government under the principles of law that regulate the liability of parties in alleged breaches of contract.

Mr. MOODY of Massachusetts. And let them return a judgment without coming back to Congress?

Mr. CRUMPACKER. Yes; and let them render judgment. The form in which the bill is limits the power of the Court of Claims to determine whether or not any damage has accrued on account of the failure of the Quartermaster-General to approve the contract. The bill ought to be recommitted.

Mr. SLAYDEN. I have no objection to the amendment offered by the chairman of the committee.

Mr. SOUTHARD. If the gentleman from Texas will pardon me, this contract seems to be for 840,000 pounds of oats. The bid was \$2.05 per 100 pounds. There is nothing in the report to indicate whether that was a fair and reasonable price or not.

Mr. SLAYDEN. It was the lowest bid.

Mr. SOUTHARD. It may have been the lowest bid, but all the bids were made with the understanding that they were to be submitted to the Quartermaster-General for his approval. When they got to the Quartermaster-General he found that the price of oats upon the market where these bids were made was \$1.25 per 100 pounds.

Mr. SLAYDEN. Oh, no.

Mr. SOUTHARD. The market rate, it appears, was \$1.25 per 100 pounds.

Mr. SLAYDEN. That was in June or July, afterwards.

Mr. SOUTHARD. The report states—

That the price at which the award was made was very much in excess of the market rate (\$1.25 per 100 pounds).

Mr. SLAYDEN. That was when the Quartermaster-General made his inquiry; but that is disproven in the next line.

Mr. SOUTHARD. I understand; I am coming to the next line. He found the market price to be \$1.25 per 100 pounds afterwards. Now, the report states that all contracts awarded in Texas at that time were disapproved. It does not state the reason for such action; but there was evidently some reason. I know that afterwards proposals were made and contracts concluded for oats at \$1.65 per 100 pounds. That may have been in excess of the market price. We have no evidence on that point, and the report contains no statement as to that.

Now, there is one other point to which I want to call the attention of the gentleman. It is possible, and presumably it is true, that this man was paid for 30,000 pounds of oats furnished by him at the rate of \$2.05 per 100 pounds. Now, is it not presumably true that he received all he was entitled to in equity?

Mr. SLAYDEN. I think not. In the first place, I do not know at what price the 29,000 pounds were settled for—possibly at the contract rate.

Mr. SOUTHARD. At the contract rate, which was greatly in excess of the market price.

Mr. SLAYDEN. Not greatly in excess of the market price at the time the bids were made. Anyone who has had any experience in the business of bidding on contracts knows that when there are a number of competitors contracts are sometimes taken on a narrow margin.

Mr. SOUTHARD. The report gives no information on that subject.

Mr. SLAYDEN. I want to say to the gentleman that he is entirely mistaken if he thinks I have tried at any time in my remarks to cover up the fact that the Quartermaster-General had authority in law to reject any and all contracts. That is the general provision of the statute.

Mr. CRUMPACKER. I did not intend to convey such an impression. The gentleman's remarks did not impress me in that way. His statements were altogether fair and proper in all respects.

Mr. SLAYDEN. I do believe that this contractor has been treated unfairly by the Government. I do not believe that the Government ought to hold him to a hard contract under a secure bond and then deny him the privilege of getting some compensation when the markets happened to come his way. I sincerely hope that the House will pass the bill brought in by the Committee on Claims, even with the amendments suggested by the chairman of the committee, to which I make no objection.

Mr. GRAFF. I move to amend by inserting after the word "contract," in line 10, the following words:

To make such findings of fact and law as may be pertinent in said transaction.

The amendment was agreed to.

Mr. CRUMPACKER. I move now that the enacting clause of the bill be struck out.

Mr. SLAYDEN. I hope the Committee of the Whole will vote down that motion.

The question being taken, the motion of Mr. CRUMPACKER was rejected; there being on a division—ayes 9, noes 24.

Mr. GRAFF. I now move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

T. B. STACKHOUSE.

The next business on the Private Calendar was the bill (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894-95.

The bill was read, as follows:

Whereas T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894-95, failed to receive balance due him on account of traveling expenses for that year, his claim for such having miscarried between the offices of the collector of internal revenue, Columbia, S. C., and the Commissioner of Internal Revenue, Washington, D. C., for which no blame could attach to him; and

Whereas while said claim is justly due and owing said T. B. Stackhouse, it is now barred by the statute of limitations; Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. B. Stackhouse the sum of \$72.32, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of South Carolina for the fiscal year ended June 30, 1895.

Mr. GRAFF. Mr. Chairman, the Commissioner of Internal Revenue, in a letter dated January 18, 1902, which is incorporated in the report, says:

There is no reason known to this office why a bill of relief in this case should not be granted.

I move therefore that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

EDWARD R. STACKABLE.

The next business on the Private Calendar was the bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to Edward R. Stackable, collector of customs for the district of Hawaii, duplicates in lieu of three United States gold certificates issued under the act of March 14, 1900, series of 1900, numbered, respectively, 675, 677, and 678, for \$10,000 each, issued by the assistant treasurer of the United States at San Francisco, Cal., on January 31, 1901, payable to the order of the Bank of Hawaii, Limited, Honolulu, H. I., and transferred by said Bank of Hawaii to said Edward R. Stackable as collector of customs in payment of custom duties, said certificates having been lost on the Pacific mail steamer *Rio de Janeiro*, which was wrecked in or near the harbor of San Francisco, Cal., on the 22d day of February, 1901: *Provided*, That the said Edward R. Stackable shall first file in the Treasury a bond of indemnity in double the amount of the principal of said certificates with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost certificates hereinbefore described.

Mr. GRAFF. Mr. Chairman, the facts in this case are set forth in a letter of the Secretary of the Treasury dated January 20, 1902, which letter is contained in the report. I ask the Clerk to read that letter in my time.

The CHAIRMAN. The Clerk will read the letter in the time of the gentleman from Illinois.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, January 20, 1902.

SIR: I have the honor to state, in reply to your letter of the 17th instant, that the bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii, is, in the opinion of this Department, a meritorious measure. Mr. Stackable, collector of customs, had received the gold certificates amounting to \$30,000, more particularly described in the bill, in part payment for certain duties due the United States, and in the regular course of business transmitted them to the assistant treasurer at San Francisco for collection and deposit of the proceeds to his credit as collector of customs, on account of duties on imports.

His action in this matter was in accordance with the usage sanctioned by the Department, and the subsequent loss of the certificates through the sinking of the steamer by which they were being transported to San Francisco has created an apparent shortage in his accounts for which he is in no wise responsible.

A caveat has been entered against the redemption of the certificates in question, both at this Department and at the office of the assistant treasurer at San Francisco, and, as the certificates are payable to order, there is no probability of their becoming a liability against the United States in the hands of innocent parties.

The bill in question is correctly drawn, and I recommend that it receive the favorable report of your committee without amendment.

Respectfully, yours,

HON. JOSEPH V. GRAFF,  
Chairman Committee on Claims, House of Representatives.

L. J. GAGE, Secretary.

Mr. GRAFF. Mr. Chairman, I notice that the letters "dred," the last syllable of the word "hundred," are omitted from the bill in line 8 on page 1, and I therefore move to amend the bill by inserting the letters "dred."

The CHAIRMAN. The Chair would suggest that in the official copy the bill is all right.

Mr. GRAFF. Then I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

SOL BEAR & CO.

The next business on the Private Calendar was the bill (H. R. 803) for the relief of Sol Bear & Co.

The bill was read, as follows:

Whereas Sol Bear & Co., of Wilmington, N. C., paid to the Government of the United States the sum of \$156.64 on the 17th of October, 1900, for internal-revenue stamps for three barrels of whisky, and before the arrival of the said stamps and the affixing of the same to said packages they were accidentally destroyed by fire in a Government warehouse; and

Whereas the collector of internal revenue for the eastern district of North Carolina has recommended to the Commissioner of Internal Revenue that the said sum of \$156.64 be refunded, but under the present provision of law, being section 3221 of the Revised Statutes of the United States, the same can not be refunded without special legislative relief: Therefore,

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, empowered and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$156.64 to said Sol Bear & Co., of Wilmington, N. C., upon said Sol Bear & Co. first surrendering to the Commissioner of Internal Revenue the original stamps issued for said sum of money.

The amendment recommended by the committee and set forth in the report was read.

Mr. GRAFF. Mr. Chairman, I ask that the Clerk read the report in my time.

The CHAIRMAN. The Clerk will read the report in the gentleman's time.

The report (by Mr. FOSTER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 803) for the relief of Sol Bear & Co., beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Sol Bear & Co., of Wilmington, N. C., paid to the Government of the United States the sum of \$156.64 on the 17th of October, 1900, for internal-revenue stamps for 3 barrels of whisky, and before the arrival of the stamps and the affixing of the same to the said packages they were accidentally destroyed by fire in a Government warehouse. The collector of internal revenue for the eastern district of North Carolina has recommended to the Commissioner of Internal Revenue that the said sum of \$156.64 be refunded, but under the present law, being section 3221 of the Revised Statutes of the United States, the same can not be refunded without legislative action.

This bill provides for the refunding to Sol Bear & Co. the said sum of \$156.64 upon the surrender of the original stamps to the Commissioner of Internal Revenue.

The committee recommend that the third line of the bill be amended so as to read as follows: "That the Secretary of the Treasury of the United States be, and he is hereby."

Mr. GRAFF. Mr. Chairman, is it in order for me to move to strike out the preamble to the bill?

The CHAIRMAN. The first question will be upon the committee amendment.

Mr. GRAFF. I move the adoption of the committee amendment.

The committee amendment was agreed to.

Mr. GRAFF. Now I move to strike out the preamble.

The motion was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

The Clerk began the reading of the bill (H. R. 9991) for the relief of F. E. Coyne, which was No. 215 on the Private Calendar.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to make a parliamentary inquiry. I want to know why Calendar No. 213 was passed over?

The CHAIRMAN. The Chair will state that it is passed over because it is a bill reported from the Committee on Military Affairs.

Mr. BURKE of South Dakota. I should like to call the attention of the Chair to the ruling made by the honorable Speaker of this House on the 8th of this month. I refer the Chair to the RECORD, page 1482, in which the Speaker held that this bill could

come up on either Friday; and, as I understand, held that private claims had preference over war claims on one Friday, and that on the next Friday war claims had preference over private claims, but that that did not displace other bills that were on this Calendar.

The CHAIRMAN. Will the gentleman state again the bill to which he refers?

Mr. BURKE of South Dakota. The bill H. R. 610, which is Calendar No. 213. I would say to the Chair that I have the RECORD here, if he would like to see it.

The CHAIRMAN. The Chair is of opinion that the next bill in order is the bill H. R. 280, which is No. 211 on the Calendar. After that, Calendar No. 213 will be in order.

JAMES M. STRADLING.

The next business on the Private Calendar was the bill (H. R. 280) for the relief of James M. Stradling.

The bill was read, as follows:

Be it enacted, etc., That James M. Stradling shall be held and considered to have been mustered into the service of the United States as a second lieutenant of the First Regiment of New Jersey Cavalry Volunteers on the 19th day of July, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a second lieutenant of said regiment, to date from the 16th day of September, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN F. ANTLITZ.

The next business on the Private Calendar was the bill (H. R. 610) to correct the military record of John F. Antlitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John F. Antlitz, of Company H, First Regiment South Dakota Volunteer Infantry, so that it will show that he was discharged in consequence of physical disability contracted subsequent to his enlistment, and grant him an honorable discharge of date June 22, 1898, and that he be allowed travel pay and allowances.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

F. E. COYNE.

The next business on the Private Calendar was the bill (H. R. 9991) for the relief of F. E. Coyne.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of F. E. Coyne, postmaster at Chicago, Ill., a credit of \$74,610 for postage stamps stolen from said post-office by burglars, October 19-20, 1901.

Mr. GRAFF. Mr. Chairman, I yield to my colleague from Illinois [Mr. BOUTELL], who will make a brief statement of the case.

Mr. BOUTELL. Mr. Chairman, this bill provides for the relief of Mr. F. E. Coyne, postmaster at Chicago, by allowing him a credit on his account for \$74,610, for which he is technically liable, on account of a robbery of the vaults at the Chicago post-office some time between October 19 and October 21 last. The facts in connection with the case are these: When the clerk of the wholesale stamp vault, Mr. F. O. Spaulding, left the office at half past 12 in the afternoon of Saturday, the 19th of October, he left in the vaults \$76,068 worth of stamps. When the vault was opened at 20 minutes to 8 on Monday morning, the 21st of October, he found in the vault only \$1,458 worth of stamps, and that \$74,610 worth of stamps had been stolen, the largest and most daring burglary in the history of the post-office establishment.

It appeared, so far as the circumstances surrounding the case go, that the burglary was not only a very daring one, but one that had been planned long beforehand, and carried out through a long series of days and even, possibly, weeks and months. The building now occupied by the Chicago post-office is a temporary brick structure on the lake front, facing west on Michigan avenue and running south from Randolph street to a point south of Washington street. At the south there is an open space, and at the east there is an open space between the building and the high stone wall of the Illinois Central Railroad tracks. The building is built on a brick foundation, with piers under the building. The floor goes very near to the ground. On the east side of the building there is a platform about 3 feet high, for the delivery and reception of the mail. For greater security this platform has been boarded in.

In 1900 it became necessary to strengthen the foundations of the building, and for that purpose the wall was broken in and ditches dug under the building, and the foundations were strengthened and the wall was built up again. When this burglary was discovered and a search was made, it appeared that the burglars had entered the space under the platform on the east of the building, had cut through a small opening or temporary door which gave access to the space underneath the platform for the purpose of getting to the steam pipes. Once under the platform they were

entirely concealed, and could carry on their work without detection, especially in the night. It was found that after entering the space under the platform at the south end they moved north some sixty feet, and at this point they moved down the east wall of the building. This giving them access to the space under the building they found these ditches, and by following them along were able to locate the space directly under the vaults.

These vaults are three in number. One is a rectangular vault, about twice as long as it is wide, and back of this are two smaller vaults half the size of the other vault. One of these smaller vaults was used by the wholesale stamp clerk, who was the only man in the department who had access to it or had a key to the vault. In this vault there was a wooden cabinet standing, not on rollers, but flush with the floor, weighing several hundred pounds, and about 30 inches in width. Having located the wholesale stamp vault, it appears that with drills and with the aid of dry electric batteries to furnish them light they had drilled contiguous holes for an opening of about 18 inches square.

These holes were completed on three sides and partially completed on the fourth side, with a strip of iron at the bottom eventually pulled off this cabinet, which stood so that this work could not be discovered while the work was going on. It was moved aside and access was obtained to the vault, the stamps removed, and under the cover of night the burglars escaped without attracting attention. It appears from the nature of the borings that the work must have been going on for several weeks, perhaps a month, and the boring was done under this cabinet, so that it did not attract attention. As soon as the burglary was discovered, on the morning of the 21st of October, it was immediately reported to the post-office inspector, who reported it to the city police; and the post-office inspectors, the city police, and the Pinkerton Detective Agency have since been endeavoring to find some trace of the burglars, but up to the present time no clues have been found, and the authorities are unable to locate in any way the persons responsible for this daring robbery of these stamps. The Postmaster-General gives all the facts in his report.

Mr. BUTLER. He recommends this relief.

Mr. BOUTELL. And he recommends the relief.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

Mr. COWHERD. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. The question is, Shall the bill be laid aside?

Mr. COWHERD. I addressed the Chair, and asked the privilege of asking the gentleman a question.

The CHAIRMAN. The Chair did not understand.

Mr. COWHERD. I would like to ask the gentleman from Illinois when this robbery occurred?

Mr. BOUTELL. It occurred between the afternoon of the 19th of October last, which was Saturday, and the morning of October 21, which was Monday.

Mr. COWHERD. And no trace has been found of that large number of stamps, as to where they were disposed of?

Mr. BOUTELL. I understand that no trustworthy trace has been found of them, although large sales of stamps in the hands of private owners have been scrutinized by the inspectors of the Department.

Mr. COWHERD. Were these stamps in the place where they should be kept, as provided by law?

Mr. BOUTELL. They were, and the provision was very careful. There were three large vaults at that time in the Chicago post-office, in which there were over \$800,000 worth of stamps. These stamps which were stolen were in the smaller vault, known as the wholesale stamp vault, in which there were \$78,068 worth of stamps.

Mr. COWHERD. Is there not a law which permits the Post-Office Department to give credit to a postmaster where stamps are stolen from the safe provided by law?

Mr. BOUTELL. I think that relates only to small offices and to small amounts, perhaps \$10,000 or \$15,000.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES M. MILLER AND OTHERS.

Mr. PERKINS. Mr. Speaker, I call up the bill (S. 1573) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany.

The CHAIRMAN. The Chair is of the opinion that the gentleman is entitled to call up that bill. It seems that certain bills were omitted or passed over by the Clerk in reading, this one among others, as coming from the Committee on Foreign Affairs, and presumably not in order to-day. The Chair is of the opinion

that under the resolution of March 14, 1900, which was readopted December 2, 1901, for this Congress, the bill is in order at this time. That resolution or order simply determines the question of priority or precedence as between bills from the Committee on Claims and bills from the Committee on War Claims, but does not displace bills from any other committee which would otherwise be in order.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, be, and they are hereby, authorized to accept, respectively, a gold watch and chain, a marine glass, and a silver writing table, tendered to them through the Department of State of the United States by His Majesty the Emperor of Germany, King of Prussia; and the Department of State is hereby authorized to deliver the testimonials mentioned to them.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUIS WEBER.

The next business on the Private Calendar was the bill (H. R. 1375) for the relief of Louis Weber.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Louis Weber, of Fauquier Springs, Va., be, and he is hereby declared to be, entitled to the benefits of the acts of August 4 and 5, 1854, as to reenlistment pay during his last service, from August 25, 1864, to July 9, 1867, in the United States Marine Corps.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDWARD KERSHNER.

The next business on the Private Calendar was the bill (H. R. 5224) for the relief of Edward Kershner.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized and empowered to appoint Edward Kershner as medical director in the Navy on the retired list.

The bill was laid aside to be reported to the House with a favorable recommendation.

JEROME E. MORSE.

The next business on the Private Calendar was the bill (H. R. 720) for the relief of Lieut. Jerome E. Morse.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States; and the said transfer shall take effect as of the passage of this act.

The bill was laid aside to be reported to the House with a favorable recommendation.

LIEUT. COMMANDER R. M. G. BROWN.

The next business on the Private Calendar was the bill (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

The Clerk read the bill, as follows:

Whereas Capt. N. H. Farquhar, United States Navy, in his report in regard to the disaster at Apia, Samoa, March, 1889, made the following report, which was forwarded by Rear-Admiral Kimberly to the Navy Department: "Lieut. R. M. G. Brown, the navigator, was by my side the whole time, and to his excellent judgment, one time at least, the ship was cleared of a reef. Had we struck it I fear few of the 450 people on board of the *Trenton* would be alive to-day."

The Navy Department, in its reply to Rear-Admiral Kimberly, said: "The flagship, now without steam or rudder, her anchors dragging, drifted almost at the mercy of the gale along the edges of the eastern reef, at times not more than 20 feet from total destruction. Every endeavor was made to control her movements, and her commanding officer states in his report that upon at least one occasion it was through the excellent judgment of Lieut. R. M. G. Brown, the navigating officer, that the ship cleared the reef and the 450 lives on board were saved. The Department notes with satisfaction your commendation of Lieutenant Brown, and also of Lieut. Commander Henry W. Lyon, the executive officer, for their efforts to save the ship;" and

Whereas the State of West Virginia presented a suitably inscribed sword to Lieutenant Brown, the act of the legislature reading as follows:

"Whereas Capt. N. H. Farquhar, United States Navy, recognized in his official report of that great disaster that at one time, at least, owing to the excellent judgment of Lieutenant Brown, the ship was kept off the reef and the lives of 450 people saved; and the State of West Virginia, in recognition of his excellent seamanship and hitherto unknown and ingenious order, in putting the crew of 400 seamen in the rigging and thereby forming 'a living sail,' and thus guiding the ship to harbor when sails could not resist the storm."

Therefore, *Be it enacted, etc.,* That the President is hereby authorized to nominate to the Senate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

Mr. DAYTON. Mr. Chairman, I move the adoption of the amendment proposed by the Committee on Naval Affairs, to strike out the preamble of the bill, and that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. DAYTON. I move to strike out the preamble.

The question was taken and the amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3107. An act to authorize the construction of a bridge over Missouri River at or near Kansas City, Mo.

ROBERT J. SPOTTSWOOD AND OTHERS.

The committee resumed its session.

The next business was the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, \$15,731, as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, by the said Spottswood and McClellan, from the 1st day of September, 1878, to the 10th day of September, 1879.

The amendment reported by the Committee on Claims was read, as follows:

In line 7 strike out "\$15,731" and insert "\$10,000."

Mr. GRAFF. I ask for the reading of the report in my time.

The report (by Mr. SCHIRM) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, beg leave to submit the following report and recommend that said bill do pass.

It appears from the records of the Post-Office Department that route No. 38122, Morrison to Fairplay, Colo., 81 miles, was awarded to McClellan & Spottswood March 15, 1878, for service six times a week, from July 1, 1878, to June 30, 1882, at the rate of \$3,973 per annum. In consequence of railroad service having been ordered from Denver to Deer Valley (now Slaghts), service on route 38122 was curtailed to begin at Deer Valley, decreasing the distance 34 miles and deducting \$1,667.68 from annual pay of contractors from July 1, 1878.

From October 1, 1878, the service from Deer Valley to Fairplay was increased to seven times a week, for which the contractors were allowed \$384.22 additional pay per annum. From February 1, 1879, the service was curtailed to begin at Grant, reducing the distance 12 miles and the pay \$86.68; from February 10, 1879, to begin at Webster, reducing the distance 4 miles and pay \$25.63, and from June 22, 1879, to begin at Como, reducing distance 20 miles and pay \$1,178.15. (See Acting Second Assistant Postmaster-General's letter to Senator Sawyer, May 13, 1884.)

This claim is for carrying a very much larger amount of mail over said route 38122, and also over the route from Fairplay to Leadville, than was expected to be carried or could have reasonably been foretold at the time they contracted to perform the service. This increase of mail was due to the unprecedented growth of the city of Leadville, Colo., in a few months, from a small mining camp of 200 inhabitants to a community of 15,000 persons, most of whom were men sending and receiving mail daily.

The time during which this increased service was performed was from September 9, 1878, to September 10, 1879. The Department reports that no records have been kept showing the weight of the mails, but from the affidavits of the claimants and their agents, the postmasters at Fairplay and Leadville, the special agent of the Post-Office Department, and the statement of the postmaster at Denver, it seems not to have exceeded 150 pounds daily at the time the contract was taken and to have suddenly increased to about 2,000 pounds daily, at which amount it remained during the entire time covered by the claim.

An itemized statement of the increased expense and loss to the contractors as to route No. 38122 is stated by them, as follows:

Deer Valley to Fairplay, 53 miles, 142 days, \$53.50 per day .....	\$7,600
Grant to Fairplay, 43 miles, 110 days, \$43 per day .....	4,300
Webster to Fairplay, 39 miles, 110 days, \$39 per day .....	4,300
Jefferson to Fairplay, 27 miles, 23 days, \$27 per day .....	621
Como to Fairplay, 10 miles, 78 days, \$10 per day .....	780
Repairing, shoeing, and tolls, \$100 per month .....	1,200
Thirty-two head of horses, \$25 each, average depreciation in value .....	800
Total .....	15,731

It also appears that Messrs. Spottswood & McClellan carried this same mail from Fairplay to Leadville during this same period of time. The distance of this route was 45 miles, being by the Weston Pass, over the range.

To carry the increased mail required an addition of 7 men and 28 horses on this route from Fairplay to Leadville. The men were paid from \$50 to \$65 per month each, and the cost of maintaining horses was about \$1 per day for each.

The enormous increase in the population of Leadville made a great increase in travel, which created such a demand for horses, vehicles, hay, grain, and provisions that the prices of horses increased from \$75 to \$150 per head and the price of hay from \$15 to \$80 per ton. As relays of horses had to be used at frequent intervals, it can be readily seen that it was exceedingly costly to maintain a service such as that given by claimants.

Under the direction of Gen. Charles Adams, special agent of the Post-Office Department for Colorado, Messrs. Spottswood & McClellan, on the route from Fairplay to Leadville, were required during July and August, 1879, to carry the lock mail, consisting of letters and valuable packages, over a shorter but more difficult and dangerous route, known as Mosquito Pass route, while the balance of the mail was taken by the longer route over Weston Pass. Thus, in order to get the letters into Leadville a few hours earlier, they were required to establish and maintain an additional route, compelling the employment of an extra force of 4 men and 20 horses.

The estimated loss by reason of the increased mail from Fairplay to Leadville and the additional route was, by Mr. Spottswood, placed at \$12,539.

The Senate in the Fifty-fifth Congress passed the bill for \$28,260, but in the Fifty-sixth Congress cut the amount to \$15,731, which amount was recommended in the Fifty-sixth Congress by this committee.

We therefore recommend that in satisfaction of all claims for losses upon both routes that there be paid the sum of \$10,000.

If the increase in pay were in proportion to the increase in weight, it

would amount to over \$48,000 on the route from Morrison to Fairplay alone. The price charged at that time for hauling express matter from Morrison to Leadville was 74 cents per pound. The affidavit of Mr. Griffith shows that Messrs. McClellan & Spottswood, on account of the room taken by this increased mail, were compelled to turn over to others a daily average of about 2,000 pounds of express matter which had been consigned to them.

If the mail paid the same charges as express matter, the additional expense would have been \$50,366.

Your committee think the amount recommended herein is a favorable compromise for the Government.

Mr. MOODY of Massachusetts. I wish to ask the gentleman from Illinois whether this matter has ever been submitted to the Post-Office Department and whether there has ever been any report upon it.

Mr. GRAFF. Yes, sir. This matter has been before Congress, as I understand, for a great many years. The bill passed the Senate at least three times. The matter has been considered in the Committee on Claims of the House since I have been a member of it during three sessions of Congress, and in each case there has been a favorable report from our committee. In addition to that the bill has been reported from the Senate Committee on Claims in almost every session of Congress for the last fifteen years.

Mr. SHAFROTH. The amount of the bill as passed by the Senate was \$28,400.

Mr. GRAFF. I do not remember the amount at which the bill passed the Senate; I think it was \$15,000.

Mr. SHAFROTH. Once at \$28,000, and another time at \$15,000.

Mr. GRAFF. The only difficulty about the bill in the Committee on Claims was to ascertain what would be a conservative amount to allow. It seemed to us a case which stood by itself—a case of peculiar hardship—which would not be likely to occur except on rare occasions.

As stated in the report, Leadville sprang in a very short time from a village community to a great city. There was a great population there, and the amount of mail to be handled was tremendous. At the time the bid was made it was contemplated that the mail would be hauled in a single wagon, and the carrier of the mail contemplated recompensing himself by carrying freight in his wagon in addition to carrying the mail.

Suddenly the discovery of gold at Leadville caused this little village, as I have said, to expand into a city. With that expansion came the increase of the mail matter from a few pounds, comparatively, to tons. The problem which met this contractor was not the same which would meet one carrying the mail in an ordinary flat country. He had to contend with difficulties which are to be met in the transportation of mail over a mountainous country and in all seasons of the year.

The committee cut the original amount of the bill—\$15,000—down to \$10,000. I personally know that the subcommittee spent a number of days hearing testimony and examining papers in regard to this bill. They inquired into every item and all the circumstances.

Mr. MOODY of Massachusetts. I understand that when this contract was first let it was for about four years?

Mr. GRAFF. Yes, sir.

Mr. MOODY of Massachusetts. Apparently the contract was modified by subsequent action of the Post-Office Department, decreasing the distance over which mail was to be carried, and deducting a certain amount from the annual pay.

Mr. GRAFF. Yes, sir. But that matter cuts no figure in this case—is not an element in its consideration—except to show the actual amount that the contractor received for transporting this mail over a reduced distance.

Mr. MOODY of Massachusetts. Was it not in the power of the Department to modify or cancel this contract and issue a more equitable one?

Mr. GRAFF. I hardly think the Department would have any authority to issue a new contract under the circumstances. I doubt very much whether they would be warranted in taking that course.

Mr. SHAFROTH. And the Department declines to do anything. I will state to the gentleman from Massachusetts [Mr. Moody] that these parties made an application for relief to the Department at the time the mail was increasing, and the Department said it was beyond their power; that the only relief that could be given was through Congress.

Mr. MOODY of Massachusetts. Then I understand that the declination was not based upon a denial of the equity of the claim.

Mr. SHAFROTH. I think not.

Mr. MOODY of Massachusetts. But upon a denial of the power to act.

Mr. SHAFROTH. They said they had no power to change the contract.

Mr. MOODY of Massachusetts. I should like to know whether this matter has ever been reported upon by the Post-Office Department. The gentleman from Illinois [Mr. Graff] did not quite answer my question.

Mr. SHAFROTH. There have been letters from the Department, and they have simply said that they have never kept the weights of the mails; that it was impossible for them to do so; that it was a matter exclusively for Congress to determine what should be done in the case.

Mr. GRAFF. The Department does not express any opinion, either favorable or adverse, upon the bill, and, as is stated in the report, the Department reports that no records have been kept showing the weight of the mails. That is the substance of everything that has been contained in every response which the committee has received from the Post-Office Department.

Mr. MOODY of Massachusetts. I think everyone will agree that this is an exceedingly dangerous precedent. At the same time the hardship to the contractor in this case seems to be a very marked one.

Mr. SHAFROTH. Let me call the attention of the gentleman from Massachusetts to this fact, that in the great rush to Leadville the population increased from 200 to 30,000. The facts are not stated as strongly in the report as they should have been. Leadville increased to a population temporarily of 30,000 instead of 15,000; and you can readily see that from a mining camp of 200 to a population of 30,000 an immense lot of mail would come and go to and from Leadville.

There was express matter in large quantities to be sent to Leadville, and McClelland & Spottswood expected to take the express matter, for which they would have received 7½ cents a pound. If they had carried the amount of express matter instead of the increased weight of mail, it would have made them over \$50,000. They had to consign that express matter to other parties.

They have been before this Congress, they have had a favorable report in the Senate, and their bill passed the Senate at one time appropriating \$28,000, I think, and at another time \$15,000, and a favorable report was made by this committee to the House at the last session of Congress for \$15,000.

Mr. MOODY of Massachusetts. I should like to ask the gentleman if this special case has been thoroughly investigated by the present committee?

Mr. GRAFF. It has.

Mr. MOODY of Massachusetts. And is it a unanimous report?

Mr. GRAFF. It is.

Mr. MOODY of Massachusetts. I suppose the gentleman would agree with me that this bill should not be treated as a precedent for any other action of this kind.

Mr. GRAFF. I desire to state to the gentleman from Massachusetts that when the bill came to our committee I was inclined to be opposed to it, and it was only because of the exceptional case and the merits of it that I was forced to the conclusion that it was an equitable case and a very exceptional one.

The report shows that the amount of mail to be transported increased from 150 pounds daily to 2,000 pounds daily, at which amount it remained during the entire time covered by the claim.

Mr. BUTLER. What price was paid for express matter?

Mr. SHAFROTH. Seven and a half cents a pound.

Mr. GRAFF. The report also shows that at that time the prices of horses and all other articles in that vicinity rose very greatly.

Mr. CRUMPACKER. We have already established one precedent for this to-day, have we not? This is precisely in line with the bill we had awhile ago to pay for the increased Canadian mail, was it not?

Mr. GRAFF. I think it is a very much stronger case than the one to which you refer.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HUGH C. PRESTON.

The next business on the Private Calendar was the bill (H. R. 9280) for the relief of Hugh C. Preston.

The bill was read, as follows:

*Be it enacted, etc.,* That the accounting officers of the Treasury are hereby authorized and directed, in the settlement of the accounts of Hugh C. Preston, late first lieutenant, Thirty-first Infantry, United States Volunteers, to allow him credit for \$737.03, the same being the amount of funds of the United States stolen from his tent at Zamboanga, in the island of Mindanao, P. I., on or about December 31, 1900, while he was acting as commissary of subsistence, in accordance with the finding of the board of survey.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, this is simply the case of Lieutenant Preston, who was in the Philippine Islands, and who had \$737 stolen from him. A board of survey was appointed, and the board of survey exonerated him. He simply wishes to have this amount passed to his credit, which is now stopped. The Secretary of War recommends it, and so does the Commissary-General.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

P. A. M'CLAIN.

The next business on the Private Calendar was the bill (H. R. 8209) for the relief of P. A. McClain.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to P. A. McClain, collector of internal revenue at Philadelphia, Pa., out of any money in the Treasury not otherwise appropriated, the sum of \$300, the amount deposited in the Treasury of the United States by said P. A. McClain in payment for adhesive revenue stamps issued to him in the months of June and July, 1898, by the Commissioner of Internal Revenue, and not received, sold, or accounted for by him.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA A. WILLETT.

The next business on the Private Calendar was the bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia, who lost his life through an open shaft in the new city post-office building on September 30, 1899, the sum of \$90,000.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "Laura A. Willett" and insert in lieu thereof the words "the executors."

Add at the end of the bill the words "to be distributed as provided by the laws of the District of Columbia in cases of recovery of damages for death by negligence."

Mr. GRAFF. Mr. Chairman, I ask that the report be read, but not the exhibits which are attached.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia, beg leave to submit the following report:

It appears from the testimony taken at the coroner's inquest and written and oral statements made before your committee that at about 9 o'clock on the morning of the 30th of September, 1899, the late James P. Willett entered the new city post-office building and went directly to the passenger elevator on the east side, in charge of James E. Dubois, telling him to take him to the fifth floor; but, changing his mind, he got off at the fourth floor and went to the office of Mr. Beaver, chief of the salary and allowance division, who not being in, he then ascended to the fifth floor, where he first intended to land, to visit the Postmaster-General or his First Assistant, with whom he had business.

Neither of these gentlemen being at their desks, he returned to the elevator to regain the first floor, soon after which his body was seen to fall through the shaft of the freight elevator down to the first floor, a distance of about 90 feet, where it struck upon the iron beam of the elevator, fracturing both arms and hips, and causing instant death. It also appears from the testimony taken at said inquest that the gates of the freight elevator had been taken off to admit the furniture which was being moved into the new building, and after their removal were laid athwart the opening at each floor, but, in the opinion of your committee, such a barricade was not a safe protection.

A copy of the proceedings at the coroner's inquest and of letters from the Hon. Charles Emory Smith, Postmaster-General, and the Hon. Perry S. Heath, First Assistant Postmaster-General, are herewith appended and made a part of this report.

Your committee therefore recommends the passage of the said bill, with the following amendments:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "five."

In line 4 strike out the words "Laura A. Willett, widow," and insert in lieu thereof the words "the executors."

At the conclusion of line 8 add the following: "to be distributed as provided by the laws of the District of Columbia in cases of recovery of damages for death by negligence."

Amend the title by striking out the words "Laura A. Willett, widow," and insert in lieu thereof the words "the executors."

Mr. CRUMPACKER. I would like to ask the gentleman a question or two about this matter.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. GRAFF. I do.

Mr. CRUMPACKER. Has the gentleman personally investigated the facts in connection with the claim?

Mr. GRAFF. I will state that during the last session of Congress, when the bill was before the committee at that time and was referred to the subcommittee of which the gentleman from Ohio [Mr. SOUTHARD] and myself were members, we had before us the full proceedings of the coroner's inquest and other affidavits, testimony, and letters, most of which are attached to the report in this case. The question arose as to whether there was negligence, and one of the questions connected with the facts was as to the width of the doors which were taken off the freight elevator and placed lengthwise across the front of the elevator.

The gentleman from Ohio [Mr. SOUTHARD] went to the Post-Office Department and measured the width of the doors. It was shown to be something like 2½ feet, apparently a height calculated more to increase danger than to serve as a means of protection. There was no one present at the time when Mr. Willett fell through the elevator. Therefore the facts surrounding his falling in and

the immediate cause of it was left to be established by circumstantial evidence.

There is testimony going to show that Mr. Willett at the time was in his usual good health and spirits, and that it must have been accidental. There was nothing about the circumstances to show otherwise. There was a report current that Mr. Willett stepped aside for a young lady who was standing immediately in front of this elevator. It was attempted by the coroner's inquest to procure that young lady and have her testimony, but there was no proof regarding that, and it was a mere rumor.

But the circumstances all showed that it was due to the negligence of the employees of the Government in leaving that open elevator there. The gentleman from Indiana will remember there are three elevators in a row on entering the Post-Office Department. The elevators on either side of the middle one are used as passenger elevators; the one in the center is used as a freight elevator. These doors were taken off the middle elevator so as to facilitate the moving of furniture in the building.

Mr. CRUMPACKER. Did this accident occur in daytime?

Mr. GRAFF. The accident occurred in the daytime, and—

Mr. DAYTON. The coroner's inquest showed it was due to the negligence of the employees.

Mr. GRAFF. And the coroner's inquest shows that there was negligence.

Mr. CRUMPACKER. Does the gentleman believe there is a fair case made against the Government on the facts submitted to his committee?

Mr. GRAFF. I do. I believe there was no contributory negligence on the part of Mr. Willett, and the circumstances make it quite clear there was negligence on the part of the employees of the Government in putting that little narrow door lengthwise across an open elevator so near the entrance to the passenger elevators on either side in a public building, where people were coming and going out and where people are invited to come and go.

Mr. MANN. How much does this bill carry?

Mr. GRAFF. Five thousand dollars. We looked at the statutes of the District of Columbia and found that \$10,000 was the limit for recovery for death by negligence. We amended the bill so that the fund would be distributed according to the statutes of the District of Columbia in cases of recovery for negligence. So we cut the maximum amount liable under the statute in two, and made it \$5,000.

Mr. MANN. May I ask whether there are any precedents for the Government paying these claims.

Mr. GRAFF. The Ford Theater disaster is a precedent very much like this. All of the death claims there were paid, and all claims for personal injuries were paid.

Mr. MANN. I should say that the Ford's Theater disaster was a different case from this. This is an ordinary case.

Mr. GRAFF. Yes; there have been numerous cases like this passed Congress.

The amendments recommended by the committee were adopted.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM C. DODGE.

The next business on the Private Calendar was the bill (H. R. 299) for the relief of William C. Dodge.

The bill was read, as follows:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of \$10,000, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1896, and for his improvement in cartridges, patented July 4, 1895, and for the infringement of his said patents by the United States; which said sum of \$10,000 shall be in full satisfaction of all claims for such use and infringements and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

Mr. GRAFF. I ask for the reading of the report in my time. The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 299) for the relief of William C. Dodge, beg leave to submit the following report, and recommend that said bill do pass with one amendment.

Bills for compensation to Mr. Dodge for the claim covered by the bill under consideration have passed the Senate six times, and have been favorably reported eight times by committees of the House, but each time failed to be reached for final action.

The facts on which this report is based are set forth in previous reports, and are plainly stated in a report made to the first session of the Fifty-sixth Congress and are here restated and made a part of this report, as follows:

"It appears from the testimony that the operation of filling cartridge cases with powder had always been performed by hand down to 1864, and that it was a very dangerous work, explosions frequently occurring, destroying life and property, despite the utmost precautions.

"June 17, 1864, an explosion occurred in the cartridge-filling shops at the arsenal in Washington, D. C., where 150 operatives were employed, which killed 21 persons and seriously injured many others, who were buried among the burning ruins.

"That in consequence of this disaster the petitioner conceived the idea that this work might be done by a machine, and after a consultation with the officers in charge, who expressed doubts as to the feasibility of his plan, but

encouraged him to try, he devised a machine, had a small one made, and submitted it to the Department for trial. Colonel Benton, then in charge of the arsenal, in his official report, under date of December 27, 1864, after describing the machine and the tests to which he had submitted it, concludes with this statement:

"The principle of this machine is a good one, and a machine properly constructed on it would, I think, give greater uniformity of weight to the charges, and work could be turned out more uniformly, rapidly, and safely than at present done by the hand process."

"The result was so satisfactory that four days thereafter the Department gave petitioner an order to furnish a full-sized machine which should fill 100 cartridges at a time.

"After much trouble and expense the machine was delivered August 18, 1865. It was officially tested and approved, and in his report, dated February 15, 1866, Colonel Benton says:

"It can be worked at the rate of six slides-full per minute, or about 300,000 per day, so that one such machine would fill as many cartridges as could be made by any one establishment. If a greater number, however, were required to be filled, the capacity of the machine could be easily increased by increasing the number of holes in the slides and drawers.

"For cartridges like those of Sharp's and those with copper cases (now used), the use of this machine affords a considerable saving of time, as one machine can do the work of many hands."

"The great merit of the invention, however, consists in providing means for insuring uniformity of charge, which the present Chief of Ordnance, in a letter to the committee, says is 'a very important matter,' and that he 'knows of no machine prior to that invented by the petitioner that provided any means for that purpose.'

"He also says: 'Mr. Dodge's invention seems to antedate anything of the kind in this country.'

"The invention has been embodied in all machines since built and used by the Government, the present machines being so modified as to also put the bullets into the metallic shells, and then crimp the shells on the bullets to unite them and render the cartridge water-tight. Prior to this invention all cartridges made by the Government had been filled by hand. Since this invention they have all been filled by machines operating on this principle, and doubtless always will be, not only because of the saving in time and expense, but also because of the greater uniformity with which they can be filled, and which General Dyer, then Chief of Ordnance, said was of more value to the Government than the proposed saving of life and property.

"The benefits of this invention to the Government are many. The saving in the cost of filling the cartridge made since its adoption has been from \$20,000 to \$30,000. It has greatly reduced the risk to both life and property, has enabled the Department to concentrate its business at a single arsenal, thereby enabling the Government to dispense with a large number it formerly had located at various points and the expense of keeping them up, and enables the work to be performed with immensely greater rapidity in cases of emergency and far more perfectly.

"From the nature of the invention it is one that is of value to the Government only, as it is a thing that can not be sold to or used by the public at large.

"It is further shown that when the Government first undertook to manufacture metallic cartridges they proved a failure; so much so that the then Chief of Ordnance, General Dyer, in 1835, declared that the Government would never adopt them.

"After consultation with the Chief of Ordnance, Mr. Dodge invented and patented an improvement which completely remedied the difficulties; and when the Government subsequently concluded to adopt metallic cartridges and began their manufacture they used Mr. Dodge's patented improvement for three years, and until they adopted the outside primer, which rendered its further use unnecessary.

"The petitioner has never been paid a cent, either for the machine furnished on the order of the Department or for the use of his inventions. The Chief of Ordnance says that 'he is entitled to remuneration,' and the Secretary of War also says he ought to be paid.

"The committee are unanimously of the opinion that the petitioner is justly entitled to remuneration, both for the machine furnished and for the use of his invention, and therefore report back the bill with the recommendation that it be passed."

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise and report the several bills and the amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills upon the Private Calendar, and had directed him to report the same back, some with amendments and some without amendments, with the recommendation that those without amendments pass, and that those with amendments, the amendments be adopted, and, as amended, the bills pass.

PRIVATE BILLS PASSED.

The following House bills reported from the Committee of the Whole without amendment were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

- A bill (H. R. 621) for the relief of Daniel Cherry;
- A bill (H. R. 7035) for the relief of Charles Hurrell;
- A bill (H. R. 949) for the relief of Charles H. Robinson;
- A bill (H. R. 2641) for the relief of Albion M. Christie;
- A bill (H. R. 5550) for the relief of W. C. Taylor;
- A bill (H. R. 3830) for the relief of William C. Marr;
- A bill (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;
- A bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii;
- A bill (H. R. 280) for the relief of James M. Stradling;
- A bill (H. R. 610) to correct the military record of John F. Antlitz;

A bill (H. R. 9991) for the relief of F. E. Coyne;  
 A bill (H. R. 1375) for the relief of Louis Weber;  
 A bill (H. R. 5224) for the relief of Edward Kershner;  
 A bill (H. R. 720) for the relief of Lieut. Jerome E. Morse;  
 A bill (H. R. 9280) for the relief of Hugh C. Preston;  
 A bill (H. R. 299) for the relief of William C. Dodge; and  
 A bill (H. R. 8209) for the relief of P. A. McClain.

House bills of the following titles, reported with amendments from the Committee of the Whole House, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed, and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 1331) for the relief of J. V. Davis;  
 A bill (H. R. 1748) for the relief of Julius E. Mugge;  
 A bill (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. C. Brown, now on the retired list, to be a commander on the retired list;  
 A bill (H. R. 303) for the relief of Sol Bear & Co.;  
 A bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased; and  
 A bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia.

A Senate bill of the following title, reported from the Committee of the Whole House without amendment, was taken up, ordered to a third reading, read the third time, and passed:

S. 1573. An act to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission, and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered them by His Majesty the Emperor of Germany.

#### MARY CHAMBERS.

The bill (H. R. 7020) for the relief of Mary Chambers, widow of Thomas Chambers, was read by its title.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the Senate bill which is now on the desk may be substituted for the House bill, and that the House bill lie on the table, and that the Senate bill be put upon its passage.

The SPEAKER. The gentleman from Illinois asks unanimous consent to substitute the bill S. 219 for the bill just read, and that the Committee on Claims be discharged, and that the House bill lie on the table. Without objection, this order will be made.

There was no objection.

The bill was ordered to be read a third time; and being read the third time, was passed.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 3104. An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1200. An act granting an increase of pension to Oliver P. Goodwin;

H. R. 6453. An act granting an increase of pension to Ida R. Siegfried;

H. R. 8652. An act granting an increase of pension to Virginia Terrill;

H. R. 1484. An act granting an increase of pension to Robert M. Scott;

H. R. 7343. An act granting an increase of pension to Martha V. Keenan;

H. R. 3266. An act granting an increase of pension to James Smith;

H. R. 1324. An act granting an increase of pension to Charles N. Lee;

H. R. 11470. An act making an appropriation for clearing the Potomac River of ice;

H. R. 3229. An act granting a pension to Katherine R. A. Ogden;

H. R. 2620. An act granting a pension to Jennie A. McKinley;

H. Res. 88. Joint resolution authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money, having imprinted stamps thereon, to the owners thereof, and for other purposes; and

H. Res. 131. Joint resolution authorizing the transfer to the Library of Congress of the library of State reports, etc.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3518. An act granting a pension to Nadine A. Turchin—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Invalid Pensions:

S. 1942. An act granting a pension to Kate H. Clements;

S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley; and

S. 3097. An act granting an increase of pension to Joseph A. Nunez.

#### DEATH OF HON. ROUSSEAU O. CRUMP.

Mr. APLIN. Mr. Speaker, a sad duty requires me to announce to this House the death of my predecessor, the Hon. ROUSSEAU O. CRUMP, late a Representative from the Tenth Congressional district of the State of Michigan. He died at his home, in West Bay City, Mich., on the 1st day of May last, and is mourned by all the people, not only of the district which had honored him by four elections to the House of Representatives, but of the whole State.

I will ask the House at some later day to lay aside its regular work, that tribute may be paid to the memory of my departed friend. For the present I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the House of Representatives has heard with profound sorrow of the death of Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

*Resolved*, That as a mark of respect to his memory the House do now adjourn.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolutions were unanimously adopted.

The SPEAKER (at 4 o'clock and 35 minutes p. m.). In pursuance of the order of the House heretofore made, and of the resolution just adopted, the House stands adjourned until 12 o'clock noon, on Monday next.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting the result of investigations into the condition of reservation Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriations for hospital at Mare Island, California—to the Committee on Naval Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9964) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River, at Niles Ferry, Tennessee, by the Atlanta, Knoxville and Northern Railroad, reported the same with amendments, accompanied by a report (No. 575); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11474) for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States, reported the same without amendment, accompanied by a report (No. 576); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11611) to divide the State of Texas into four judicial districts, reported the same without amendment, accompanied by a report (No. 577); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9332) to authorize the Dothan, Hartford and Florida Railway Company to construct a bridge across East St. Andrews

Bay, navigable water, at a point about 1 mile east of Farmdale, in the State of Florida, reported the same without amendment, accompanied by a report (No. 579); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported the same with amendments, accompanied by a report (No. 580); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3278) to correct the military record of C. R. Dickson, reported the same without amendment, accompanied by a report (No. 578); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

At the request of Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 619) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, reported February 18 adversely (Report No. 563), said bill and report were referred to the Private Calendar pursuant to clause 2 of Rule XIII.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 11477) for improving Fort street between Twelfth and Fourteenth streets NE., and for other purposes—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY (by request): A bill (H. R. 11651) to abolish estates of curtesy and dower in the District of Columbia, to provide for the custody of the persons of children under 14 years of age, to regulate the descent and distribution of the estates of intestates, and for other purposes—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 11652) to amend section 2 of chapter 438 of volume 26, United States Statutes at Large, "An act to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions," so that any isolated or disconnected tract or parcel thereof may be ordered into market and sold for not less than \$1.25 per acre—to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 11653) granting the right of way for an irrigating canal, its adits, its laterals, to William G. Holt, of Kansas City, Kans., his successors, heirs, and assigns, through the Yuma Indian Reservation, and for other purposes—to the Committee on Indian Affairs.

By Mr. DICK, by instruction of the Committee on Militia: A bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. MARSHALL: A bill (H. R. 11655) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement—to the Committee on the Public Lands.

By Mr. DICK: A bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba—to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River—to the Committee on Foreign Affairs.

By Mr. EDWARDS: A bill (H. R. 11658) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. McCLELLAN: A bill (H. R. 11659) authorizing the Secretary of the Treasury to grant by deed to the city of New York a permanent right of way for an underground railroad under property of the United States situated on Mail street and Park Row in said city—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 11719) to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River"—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: A joint resolution (H. J. Res. 156) asking for estimates for the improvement of Quantico Creek, in Prince William County, Va.—to the Committee on Rivers and Harbors.

By Mr. NEWLANDS: A joint resolution (H. J. Res. 157) to credit the State of Nevada with certain military supplies belonging to the United States Government and distributed by the governor thereof without proper vouchers to volunteers in the late war with Spain—to the Committee on Military Affairs.

By Mr. SOUTHWICK: A concurrent resolution (H. C. Res. 35) directing the Joint Committee on Printing to investigate and determine whether the Supreme Court Reports should be printed at the Government Printing Office or by private contract—to the Committee on Rules.

By Mr. TAWNEY: A resolution (H. Res. 139) that the Secretary of War be, and he is hereby, requested to furnish the House of Representatives information concerning land in Cuba purchased by nonresidents of the island since the date of the American occupation—to the Committee on Insular Affairs.

By Mr. McCALL: Petition relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 11660) granting a pension to Perry B. Wilson—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 11661) for the relief of H. T. Cunningham—to the Committee on War Claims.

By Mr. ALLEN of Maine: A bill (H. R. 11662) granting an increase of pension to Albion P. Stiles—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 11663) granting an increase of pension to James J. Briggs—to the Committee on Invalid Pensions.

By Mr. BURKETT (by request): A bill (H. R. 11664) for the relief of Patrick I. Grant—to the Committee on Claims.

By Mr. CLAYTON: A bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11666) to remove the charge of desertion from the military record of Samuel J. Maund—to the Committee on Military Affairs.

Also, a bill (H. R. 11667) granting a pension to Nancy Caroline Pickard—to the Committee on Pensions.

Also, a bill (H. R. 11668) granting a pension to W. R. Snellgrove—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 11669) to correct the record of James Clingen—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 11670) to correct the military record of Bryant W. Schoonover and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DRAPER: A bill (H. R. 11671) granting an increase of pension to Henry Wheeler—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 11672) granting an increase of pension to Joseph S. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11673) granting an increase of pension to Jacob Laird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11674) granting an increase of pension to Jacob Wenner, of Knox, Pa.—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 11675) granting a pension to Nettie C. Constant, of Kansas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11676) granting a pension to Mrs. N. E. Bridges—to the Committee on Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 11677) for the relief of William T. Sterling and 57 other enlisted men of Company K, First Eastern Shore Maryland Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11678) granting a pension to Thomas J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting a pension to James Bramble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11680) granting a pension to George Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11681) granting a pension to Leonard Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting a pension to Mary E. Winterbottom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11683) granting a pension to Alexander Seymour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11684) granting a pension to Josiah B. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11685) granting an increase of pension to William E. Tarr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting a pension to Elenore F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11687) granting a pension to Robert H. Bussted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) granting a pension to Joseph E. Scott—to the Committee on Invalid Pension.

By Mr. JENKINS: A bill (H. R. 11689) to authorize the private sale of lot 1, otherwise described as the fractional northwest quarter of northwest quarter of section 24, township 40 north, range 3 east, in Price County, Wis., containing 20 acres, at the Wausau, Wis., local United States land office—to the Committee on the Public Lands.

By Mr. KEHOE: A bill (H. R. 11690) granting a pension to Lilburn E. Taber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11691) for the relief of Martin Lunsford—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 11692) granting an increase of pension to William H. Ensign, of Kirksville, Mo.—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 11693) granting an increase of pension to George W. McGoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11694) granting an increase of pension to Dennis F. Andre—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11695) granting an increase of pension to George W. Hatton—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11697) for the relief of the executor or administrator of the estate of C. C. Spiller, deceased—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 11698) granting a pension to Thomas O'Connor—to the Committee on Invalid Pensions.

By Mr. RUMPLE: A bill (H. R. 11699) granting a pension to Mary E. Morgan—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11700) granting an increase of pension to Edward C. Jeffries, Monroe, Mich.—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 11701) granting an increase of pension to John C. Wright—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 11702) to reimburse Capt. Martin Hammer—to the Committee on Claims.

Also, a bill (H. R. 11703) granting a pension to Isabella Brockway (or St. John)—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 11704) granting a pension to Lafayette B. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11705) granting an increase of pension to Anna E. Luke—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11706) granting a pension to Effie Sullivan—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11707) granting a pension to Mary Harvy, widow—to the Committee on Invalid Pensions.

By Mr. NEULANDS: A bill (H. R. 11708) to reimburse Ynez Shorb White for expenses incurred by her in the removal of the remains of the late Dr. Stephen Stuart White, passed assistant surgeon, United States Navy, from Juneau, Alaska, to his home in the State of Maryland—to the Committee on Claims.

By Mr. WOOTEN: A bill (H. R. 11709) to grant a pension to Elizabeth Bartee, widow of Ferdinand Bartee, a soldier in the Mexican war of 1846—to the Committee on Pensions.

Also, a bill (H. R. 11710) for the relief of James Palmer—to the Committee on Military Affairs.

Also, a bill (H. R. 11711) granting an increase of pension to Isaac Gibson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11712) granting a pension to Mary Sheppard—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11713) for the relief of estate of A. K. Foster, deceased, late of Knox County, Tenn.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11714) granting an

increase of pension to James Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11715) granting an increase of pension to David H. Utley—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 11716) granting an increase of pension to Samuel De Haven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11717) granting a pension to William Bieber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11718) granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 11720) for the relief of E. A. Best, administrator of the estate of Adaline D. Turner, deceased, of Tullahoma, Tenn.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of United Mine Workers' Union No. 548, of Buenavista, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, papers to accompany House bill No. 10926, for the relief of J. J. Graham—to the Committee on Military Affairs.

By Mr. BATES: Petition of Maj. J. W. Patton Post, No. 346, Grand Army of the Republic, Department of Pennsylvania, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of railway postal clerks in the Twenty-sixth Congressional district of Pennsylvania, for the passage of the bill to reclassify the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Machinists Union No. 327, of Meadville, Pa., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Machinists' Union No. 327; Cigar Makers' Union No. 82, of Meadville, Pa., and Scoopers' Union No. 116, of Erie, Pa., favoring the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BELL: Petition of North Fork Post, No. 86, Grand Army of the Republic, Department of Colorado and Wyoming, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Order of Railroad Telegraphers, Swallows, Colo., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of Champion Division, No. 227, Order of Railway Conductors, Lincoln, Nebr., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brownville, Nebr., to accompany House bill No. 4527, granting a pension to Alfred Opelt—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Petition of Huron Division, No. 213, Brotherhood Locomotive Engineers, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of McLean Post 162, of Latcher, S. Dak., Grand Army of the Republic, favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. BULL: Resolutions of Newport Typographical Union, No. 295; Painters, Decorators, and Paper Hangers' Union No. 534, of Newport, R. I., and National Electrical Workers' Union No. 99, of Providence, R. I., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Farragut Post, No. 8, of East Providence, R. I., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of Typographical Union No. 295, of Newport, R. I., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. BURTON: Resolution of Steam Engineers' Union No. 81, of Cleveland, Ohio, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CAPRON: Resolution of the Ancient Order of Hibernians, Division No. 6, of Woonsocket, R. I., asking mediation by the United States in favor of the patriots of the South African Republics—to the Committee on Foreign Affairs.

Also, resolutions of Journeymen Barbers' Union No. 361, Pawtucket, R. I., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Farragut Post, No. 8, of East Providence, R. I., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 94, of Pawtucket, R. I., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Resolutions of Trades and Labor Council of Racine, Wis., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of Iron Molders' Union, No. 310, of Racine, Wis., favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

Also, resolution of board of supervisors of Mohave County, Ariz., requesting Congress to fix a tax valuation on the property of the Santa Fe Railway Company throughout Arizona—to the Committee on Pacific Railroads.

Also, petition of Young People's Union of Racine, Wis., favoring the exclusion of intoxicants from all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. CORLISS: Resolutions of Detroit Street Railway Employees and Carpenters' Union of Detroit, Mich., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolution of International Association of Machinists, of Verona, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Tile Layers' Union No. 4, of Pittsburg, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Glass Bottle Blowers' Union No. 76, of Sharpsburg, Pa., and Union No. 165, of Pittsburg, Pa., Carpenters and Joiners, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Paper to accompany House bill for the relief of Bryant W. Schoonover—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of the National American Woman Suffrage Association, in relation to the right of suffrage for women—to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of the American Hawaiian Steamship Company, protesting against the passage of Senate bill 1970 and House bill 965, granting an American register to the foreign-built barkentine *Hawaii*—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National American Woman Suffrage Association, urging legislation to permit women to vote for members of Congress and Presidential electors—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial of International Brotherhood of Electrical Workers, No. 3, protesting against Senate bills 2054 and 1466, which create a department of electricity in the District of Columbia and provide for the licensing of electrical wiremen—to the Committee on the District of Columbia.

By Mr. FOSS: Petition of Packing Trades Council, of Chicago, Ill., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. GIBSON: Petition for special act increasing the pension of William S. Thurman—to the Committee on Pensions.

Also, petition of Stanton Division, No. 139, Order of Railroad Conductors, Knoxville, Tenn., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Federal Labor Union, of Knoxville, Tenn., in favor of Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania: Petition of Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union No. 46, of Reading, Pa., relative to the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolutions of E. B. Young Post, No. 87, Grand Army of the Republic, of Allentown, Pa., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Reading, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Petition of General W. T. Sherman Post No. 208, Grand Army of the Republic, Wareham, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. GROSVENOR: Resolution of Federal Labor Union No. 6876, Chillicothe, Ohio, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Federal Labor Union No. 6876, Chillicothe, Ohio, and citizens of Antiquity, Ohio, favoring exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. HALL: Papers to accompany House bill 11673, for the relief of Jacob Laird—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11674, granting an in-

crease of pension to Jacob Wenner—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Carpenters and Joiners' Union No. 97, New Britain, Conn., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. HILL: Resolution of C. L. Russell Post, No. 68, Grand Army of the Republic, of Thomaston, Conn., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HITT: Resolution of Molders' Union No. 195, Freeport, Ill., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Metuchen Council, Junior Order United American Mechanics, of Metuchen, N. J., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Typographical Union No. 307, of New Brunswick, N. J., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. JACK: Resolution of Brotherhood of Operative Pottery Union No. 52, of Ford City, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Union No. 52, Ford City, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Kansas: Petition of the Woman's Christian Temperance Union of Wichita, Kans., in favor of commercial reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolutions of Team Drivers' Union No. 86, of Stippville, Kans., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Team Drivers' Union No. 86, of Stippville, Kans., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., for the repeal of the desert-land act and the commutation clause of the homestead act, against donations of public lands to the States, and for an appropriation of \$250,000 for irrigation surveys—to the Committee on the Public Lands.

By Mr. LACEY: Resolution of city council of Council Bluffs, Iowa, relating to the Missouri River bridge at Council Bluffs—to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of the Iowa National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

By Mr. LLOYD: Petition of 189 citizens of Hannibal, Mo., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Menke Post, No. 166, Grand Army of the Republic, Department of Missouri, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Kirksville, Mo., to accompany House bill 11692, granting an increase of pension to Warren H. Ensign—to the Committee on Invalid Pensions.

By Mr. McANDREWS: Petition of Woodlawn Lodge, No. 45, of Chicago, Brotherhood of Locomotive Firemen, for the repeal of the desert-land act and the commutation clause of the homestead act, against donations of public lands to the States, and for an appropriation of \$250,000 for irrigation surveys—to the Committee on the Public Lands.

By Mr. McCLELLAN: Petition of the Board of Rapid Transit Railroad Commissioners for the City of New York, in reference to the necessity for legislation to further the construction of additional rapid-transit facilities in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: Papers to accompany House bill 11237, granting increase of pension to Catharine A. Carroll—to the Committee on Invalid Pensions.

Also, papers to accompany Senate bill 1289, for the relief of Julius W. Clark—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11505, for the relief of David Dunker—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of Typographical Union No. 23, Milwaukee, Wis., favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. PUGSLEY: Resolutions of the New York Retail Grocers' Union and United Retail Grocers' Association, of Brooklyn,

N. Y., in relation to the removal of the duty on teas—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Council of America, favoring the national irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of National Building Trades Council, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. ROBB: Petition of Granite Workers', of Graniteville, Mo., for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of George W. Palmer, of Coles Corners, Ind., in support of an amendment to the Constitution for the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of Journeymen Horseshoers' Union No. 81, Fort Wayne, Ind., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Team Drivers' Union No. 78, Fort Wayne, Ind., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the C. F. Wilcox Division, No. 376, Order of Railway Conductors, of Ashley, Ind., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of S. C. Aldrich Post, No. 138, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. RUMPLE: Petition of Amalgamated Wood Workers' Union No. 92, Clinton, Iowa, asking for the repeal of the desert-land act and the commutation clause of the homestead act, and urging appropriation for Government surveys and construction of reservoirs—to the Committee on Irrigation of Arid Lands.

By Mr. RUPPERT: Petition of Carpenters and Joiners' Union No. 476, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of Journeymen Barbers' Union No. 141, Buffalo, N. Y., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Typographical Union No. 9, of Buffalo, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Lake Seamen's Union of Tonawanda, N. Y., for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of United Trades Council of Buffalo, N. Y., protesting against the passage of House bill 9685—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEELE: Resolution of Carpenters' Union No. 365, o-Marion, Ind., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolution of American Flint Glass Workers' Unions Nos. 101 and 35, of Marion, Ind., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Resolutions of Central Labor Union of Amsterdam, N. Y., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SKILES: Petitions of Iron Molders' Union of Mount Vernon, Cigar Makers' Union of Mansfield, and Locomotive Engineers, Division No. 822, of Chicago Junction, Ohio, favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Electrical Workers' Union No. 97, of Mount Vernon, and Cigar Makers' Union No. 86, of Mansfield, Ohio, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Retail Clerks' Union No. 500, of Lorain, Ohio, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. SNOOK: Petition of Thomas Allen Post, No. 578, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. TAWNEY: Papers to accompany House bill granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolutions of Piano and Organ Workers' Union No. 28, in regard to immigration—to the Committee on Immigration and Naturalization.

By Mr. VAN VOORHIS: Papers to accompany House bill 11701, granting a pension to John C. Wright—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolutions of George Smith Post, No. 79, of Conshohocken, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Resolutions of Merchants and Manufacturers' Exchange, of Detroit, Mich., in relation to reduction of tariff on raw sugar, etc.—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 5709 for the relief of Sarah Tanquary—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10777, for the relief of Mary Sheppard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 11715, for the relief of David H. Utley—to the Committee on Invalid Pensions.

Also, paper to accompany House bill —, granting a pension to James Tomlinson—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Papers to accompany House bill 11709, granting a pension to Mrs. Elizabeth Bartee—to the Committee on Pensions.

Also, papers to accompany bill 11710, for the relief of James Palmer—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Engineers' Club of Philadelphia, Pa., favoring a national park reservation in the Appalachian Mountains—to the Committee on the Public Lands.

Also, petition of Enoch Lewis, of Philadelphia, in relation to certain immoral practices in the Philippines—to the Committee on Insular Affairs.

Also, petition of R. A. Benedict, of New York City, in relation to general legislation—to the Committee on the Judiciary.

Also, petition of Hopkins & Hopkins, Washington, D. C., in relation to foreign-built vessels in competition with American vessels—to the Committee on Merchant Marine and Fisheries.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., for the admission of the mercantile class of Chinese—to the Committee on Foreign Affairs.

Also, petition of the National American Women Suffrage Association relating to the right of suffrage for women—to the Committee on the Judiciary.

By Mr. ZENOR: Petition of John Ridlen Post, No. 275, Scottsburg, Ind., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

## SENATE.

SATURDAY, February 22, 1902.

The Senate met at 11 o'clock a. m.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS], under the order of the Senate, will now read Washington's Farewell Address.

Mr. BURROWS (at the Secretary's desk) read the address, as follows:

*To the people of the United States:*

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our